

Appendix A

Public and Agency Coordination

Public and Agency Coordination

Early Coordination Process

Steering and Executive Committees

The SR 509: Corridor Completion/I-5/South Access Road Project (SR 509 project) is guided by a Steering Committee and an Executive Committee composed of representatives from affected agencies and jurisdiction. The Steering Committee advises the project team and the Executive Committee. During the development of this project, the membership of these two committees has evolved. Current membership is as follows:

- Executive Committee
 - Washington State Department of Transportation (WSDOT)
 - Port of Seattle
 - City of SeaTac
 - City of Des Moines
 - City of Kent
 - Metropolitan King County
- Steering Committee
 - Washington State Department of Transportation (WSDOT)
 - Port of Seattle
 - City of SeaTac
 - City of Des Moines
 - City of Kent
 - City of Federal Way
 - City of Burien
 - City of Normandy Park
 - Metropolitan King County
 - Sound Transit
 - Federal Highway Administration
 - Federal Aviation Administration
 - Citizen(s)

These committees provided review and guidance for all major decisions as noted elsewhere in this document.

Agency Involvement

A number of federal, state, regional, and local agencies and tribes have been involved in the development of the SR 509 project and the preparation of this Environmental Impact Statement (EIS).

Pre-EIS-Phase Agency Meeting

On May 7, 1992, a pre-EIS-phase agency meeting was held at SeaTac City Hall. The purpose of the meeting was for agency and jurisdiction representatives to ask questions and identify concerns related to the corridor alternatives identified for evaluation during preliminary screening. Representatives of the following agencies attended this meeting:

- Washington State Patrol
- Washington State Parks
- City of Des Moines
- City of Federal Way
- City of Normandy Park
- City of SeaTac
- Transportation Improvement Board
- Water District No. 54

EIS Agency Scoping and Coordination Meetings

The original Draft EIS (DEIS) for the SR 509 project was a Tier 1, or corridor-level, document. An EIS Agency Scoping Meeting on the original DEIS was held on October 1, 1992, at SeaTac City Hall. Representatives from the Port of Seattle, City of SeaTac, Highline School District, and the Transportation Improvement Board were present.

Resource agencies having permitting authority or other jurisdiction over environmentally sensitive resources in the project area participated in a special resource agency coordination meeting on April 25, 1994. The purpose of this meeting was to reach agreement on the level of detail needed for a “corridor-level” EIS that would satisfy the various agencies’ needs. Representatives from U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), and Washington Department of Fish and Wildlife (WDFW) attended.

A scoping meeting was not held to address the project-level alignments to be evaluated in a Revised DEIS (RDEIS) for a number of reasons. As noted above, agencies had already participated in scoping or coordination meetings for the corridor-level DEIS. In addition, the decision to prepare an RDEIS addressing project-level alignments was in response to agency comments on the original, corridor-level DEIS and the sense that their environmental concerns could be best addressed in a project-level EIS. Furthermore, it was

felt that the agencies would have adequate opportunity to express their concerns during their participation in the NEPA/404 Merger Agreement process or through the Steering and Executive Committees.

Table A-1 lists contacts made with public agencies, jurisdictions, and organizations during preparation of the RDEIS.

Table A-1 Agency Contacts		
Element of the Environment/ Environmental Review Process	Contact	Agency/Jurisdiction/Organization
Economics	Corr, C.	Kidder, Mathews, and Segner
	Craig, C.	City of Kent Finance Department
	Harris, S.	Northwest Corporate Real Estate Inc.
	McCarty, M.	City of SeaTac Finance Department
	Rabinovitz, E.	King County Department of Assessments
	Stoll, B.	Re/Max Realty West
Environmental Justice	Lamison-White, L.	U.S. Bureau of Census
	Ledbetter, K.	City of SeaTac, Parks and Recreation Department
	Spear, B.	U.S. Department of Transportation, Statistical Services Section
	Thorell, P.	City of Des Moines, Parks and Recreation Department
Hazardous Waste	Agid, P.	Port of Seattle
	Bahnick, Kathy	Port of Seattle
	Blasingame, J.	Manager Pizza Hut SubCo, Inc.
	Diggs, Don	Pacific Auto Brake & Muffler Service
	Duff, Ethel	Park of the Pines Church Conference Center
	Ellis, Doug	South Shore Fellowship
	Goodall G.	City of SeaTac Fire Department
	Heydon, Tim	City of Des Moines Public Works
	Nye, Roger	Department of Ecology
	Parmar, N.	Airport Plaza Hotel, SeaTac, WA
	Polhamus, Jim	Des Moines Fire Protection District No. 26
	Poor, Geri	Port of Seattle
	Riley, Benjamin A.	Des Moines Masonic Lodge No. 245.

**Table A-1
Agency Contacts**

Element of the Environment/ Environmental Review Process	Contact	Agency/Jurisdiction/Organization
NEPA/SEPA/404 Merger Process	Berg, Ken	U.S. Fish and Wildlife Service
	Brennan-Dubbs, Nancy	U.S. Fish and Wildlife Service
	Brower, Mike	Federal Highway Administration
	Burke, Dan	Port of Seattle
	Darm, Donna	National Marine Fisheries
	Childers, Lynn	U.S. Fish and Wildlife Service
	Christian, James	Federal Highway Administration
	Conner, Tom	U.S. Environmental Protection Agency
	Crouse, Michael	National Marine Fisheries
	Frederick, David	U.S. Fish and Wildlife Service
	Gibbons, Tom	National Marine Fisheries
	Hirsh, David	National Marine Fisheries
	Jackson, Jerry	U.S. Fish and Wildlife Service
	Kennedy, Jack	U.S. Army Corps of Engineers
	Landino, Steve	National Marine Fisheries
	Leonard, Jim	Federal Highway Administration
	Love, Sharon	Federal Highway Administration
	Lee, Judith Leckrone	U.S. Environmental Protection Agency
	Manning, Sandra	Washington Department of Ecology
	Parkin, Rick	U.S. Environmental Protection Agency
	Pratt, Cynthia	Washington Department of Fish and Wildlife Service
	Romano, Olivia	U.S. Army Corps of Engineers
	Randall, Loree	Washington Department of Ecology
	Robinson, Anne	U.S. Army Corps of Engineers
	Ryan, Bill	U.S. Environmental Protection Agency
	Sommers, Elaine	U.S. Environmental Protection Agency
	Suggs, Sarah	Washington Department of Ecology
	Swanson, Terry	Washington Department of Ecology
	Tonnes, Dan	National Marine Fisheries
	Teachout, Emily	U.S. Fish and Wildlife Service
	Thompson, Janet	Washington Department of Ecology
	Uhrich, Ann	U.S. Army Corps of Engineers
	Wood, Barb	National Marine Fisheries
Noise	Wells, Bob	Port of Seattle

Table A-1 Agency Contacts		
Element of the Environment/ Environmental Review Process	Contact	Agency/Jurisdiction/Organization
Relocation	Chambers, Paula	Caldwell Banker Bain Associates
	Gut, Tom	City of SeaTac
	Hartson, Arthur (Ron)	Owner, Town and County Estates Mobile Home Park
	Korsgaard, Gary	John L. Scott Real Estate
	Mann, Sharon	Re/Max Real Estate
	Osborn, William	City of Kent
	Ramsaver, Teri	Washington State Office of Manufactured Housing
	Thornton, Tom	Owner, Tyee Valley Mobile Home Park
	Varacalli, Vincent	Varacalli Real Estate Co.
	Wietz, Dave	Manager, Town and Country Estates Mobile Home Park
Social	Atkin, Carol	Federal Highway Administration
	Booth, Michael	City of SeaTac
	Bowman, John	Lakehaven Utility District
	Carr, Mary	Highline School District
	Catton, Bonnie	Kent School District Transportation Service
	Calhoon, Carolyn	Federal Way School District
	Hall, Chris	Lakehaven Utility District
	Kase, Ken	Midway Sewer District
	Keown, T.	Highline Water District
	Petersen, Jodi	Federal Highway Administration
	Yurovchak, Anita	Puget Sound Energy
Section 4(f)	Blumen, Connie	King County Park System
	Bowden, Bryan	National Park Service
	Broom, Joan	City of Kent, Parks and Recreation Department
	Eastberg, Cheryl	City of SeaTac, Department of Planning and Community Development
	Heydon, Tim	City of Des Moines
	Hodgson, John	City of Kent Parks Director
	Hoggard, Calvin	City of SeaTac City Manager
	Ledbetter, Kit	City of SeaTac Parks and Recreation Department
	Loch, Corbett	City of Des Moines
	Monaghan, Don	City of SeaTac
	Morgan, Cayla	Federal Aviation Administration
	Poor, Geri	Port of Seattle
	Rayburn, Bruce	City of SeaTac Public Works Department
	Taylor, Willie	U.S. Department of Interior
	Thorell, Patrice	City of Des Moines Parks and Recreation Department

Table A-1 Agency Contacts		
Element of the Environment/ Environmental Review Process	Contact	Agency/Jurisdiction/Organization
Vegetation, Fish, and Wildlife	Berg, Ken	U.S. Fish and Wildlife Service
	Gloman, Nancy	U.S. Fish and Wildlife Service
	Grettenberger, John	U.S. Fish and Wildlife Service
	Guggenmos, Lori	Washington Department of Fish and Wildlife
	Kirkpatrick, Deeann	National Marine Fisheries Service
	Masters, Dave	King County Water and Land Resources
	Moody, Sandy S.	Washington Natural Heritage Program
	Murramatsu, John	Des Moines Chapter of Trout Unlimited
	Negri, Steve	Washington Department of Fish and Wildlife
	Nelson, Kitty	National Marine Fisheries Service
	Phillips, Chuck	Washington Department of Fish and Wildlife
	Schnieder, Phil	Washington Department of Fish and Wildlife
Visual Quality	Heydon, Tim	City of Des Moines Public Works
	Kilgore, Judith	City of Des Moines Community Development
	Monaghan, Donald	City of SeaTac Public Works
	Poor, Geri	Port of Seattle, Aviation Planning Department.
	Scarey, Michael	City of SeaTac Planning and Community Development
	Ward, Craig	City of SeaTac Planning and Community Development
Water Quality	Althausen, Don	King County Department of Natural Resources
	Bartlett, C.	Highline Water Department
	Bosley, Peggy	Highline Water District
	Davis, M.	Highline Water Department
	Gibson, J.	Highline Water Department
	Johnson, K.	King County Department of Natural Resources
	Kara, Wendy	King County Department of Natural Resources
	Keown, Thomas	Highline Water District
	Linnell, Mike	Department of Agriculture
	Mactutis, Mike	City of Kent
	Matthews, Wayne	City of Des Moines
	Moore, Bill	Department of Ecology

Table A-1 Agency Contacts		
Element of the Environment/ Environmental Review Process	Contact	Agency/Jurisdiction/Organization
Wetlands	Clarke, Steve	City of Burien
	Dodge, Jack	City of SeaTac
	Fendt, Kathy	Port of Seattle
	Harris, Keith	Highline Water District
	Heydon, Tim	City of Des Moines
	Hubbard, Tom	Port of Seattle
	Leavitt, Elizabeth	Port of Seattle
	Ledbetter, Kit	City of SeaTac
	Masters, David	King County Department of Natural Resources
	Monahan, Don	City of SeaTac
	Rayburn, Bruce	City of SeaTac
	Reinhold, Loren	City of Des Moines
	Thorell, Patrice	City of Des Moines
	Wells, Robert	Port of Seattle

Interagency Working Agreement (NEPA/SEPA/404 Merger Agreement)

Discharges of dredged or fill material in waters of the United States, including wetlands, require permitting under Section 404 of the Clean Water Act. In June 1995, the Interagency Working Agreement to Integrate Special Aquatic Resources (Section 404 of the Clean Water Act) Permit Requirements into the National Environmental Policy Act (NEPA) and the State Environmental Policy Act (SEPA) in the State of Washington was signed. This agreement integrates the Section 404 permit processes and other related permitting and certification procedures into the NEPA and SEPA processes early in the project programming and project development stages.

The signatory agencies to this agreement are the Federal Highway Administration (FHWA), NMFS, U.S. Army Corps of Engineers (USACOE), U.S. Environmental Protection Agency (EPA), USFWS, Washington State Department of Ecology (Ecology), WDFW, and WSDOT. These agencies comprise the Signatory Agency Committee (SAC).

During April 1997, WSDOT requested the signatory agencies' response to Concurrence Point 1. This concurrence point relates to the project's purpose and need, the criteria for alternative selection, and the role of all agencies. All signatory agencies, except NMFS, responded to the request for Concurrence Point 1. USACOE and WDFW concurred with no additional comments. USFWS, USEPA, and Ecology concurred with comments. Concurrence Point 2 addresses two items: (1) identification of alternatives to evaluate in the DEIS and (2) identification of the preliminary preferred alternative. WSDOT sent a letter during September 1999 requesting the signatory agencies' input on the alternatives to evaluate in the DEIS. NMFS and USFWS chose to waive the opportunity to provide comments on the alternatives. WDFW and EPA concurred with the alternatives without comment, and Ecology concurred with comments. During September 2001, the SAC agreed with WSDOT to eliminate Alternatives C1 and D from evaluation in the RDEIS.

During August 2001, WSDOT sent a letter to the signatory agencies requesting their concurrence on the preliminary preferred alternative. USFWS, NMFS, and USACOE concurred without comment. WDFW, Ecology, and EPA concurred with comments.

Concurrence Point 3 addresses three items: (1) the Conceptual Wetland Mitigation Plan; (2) USACOE, USFWS, EPA, and NMFS concurrence on the Preferred Alternative/Apparent Section 404 Least Environmentally Damaging Practicable Alternative; and (3) Ecology and WDFW concurrence on the NEPA/SEPA Preferred Alternative. On September 12, 2002, WSDOT sent a letter to the SAC requesting concurrence on Concurrence Point 3. The USACOE and USFWS concurred without comment. EPA, NMFS, Ecology, and WDFW concurred with additional comments.

The concurrence forms and accompanying comments, if any, for Concurrence Points 1, 2, and 3 are presented in Attachment A1 to this appendix.

Section 7 Consultation

In accordance with Section 7 of the Endangered Species Act (ESA), a Biological Assessment (BA) was prepared to provide a detailed evaluation for all listed, proposed, and candidate species and species of concern identified by the USFWS and NMFS as potentially occurring in the project area. Consultation with the USFWS and NMFS resulted in an agreement for preparation of a BA and associated Section 7 coordination on the preferred alternative (Alternative C2). The BA was submitted to the services in October 2002. Letters were sent by the USFWS on December 31, 2002, and by the NMFS on December 6, 2002, concurring with the BA determinations of “may affect/not likely to adversely affect” bald eagle, bull trout, and Puget Sound chinook salmon; “no effect” on marbled murrelet; and “not likely to significantly impact” populations, individuals, or suitable habitat of the Puget Sound-Strait of Georgia ESU of coho salmon. Section 7 consultation has been completed. Concurrence letters from the services are in Attachment A-1 of this appendix.

Tribal Consultations

In addition to these meetings with interested agencies, a number of tribes were periodically contacted directly by letter or telephone for input on issues of concern. The tribes included:

- Muckleshoot Tribe
- Puyallup Tribe
- Duwamish Tribe
- Suquamish Tribe
- Lummi Nation
- Yakama Nation

Community Involvement

Community involvement with the SR 509 project has been ongoing since May 1992. Five public meetings were held regarding the previous, corridor-level EIS. The type, date, and purpose of those meetings are as follows:

Meeting	Date	Purpose
Open house/scoping	May 6, 1992	Give citizens an opportunity to identify issues associated with the proposed project that should be considered in the DEIS
Public meeting	June 1, 1992	Report results of first level screening
Open house/scoping	September 30, 1992	Identify alternatives
Open house	February 2, 1994	Receive comments on alternatives
DEIS public hearing	January 10, 1996	Receive comments on DEIS

Prior to the public meetings, a newsletter was sent out announcing the meetings and providing background information about the topics to be addressed at the meetings. A total of four newsletters were prepared regarding the corridor-level EIS. The newsletters were dated April 1992, September 1992, January 1994, and December 1995. In addition, advertisements were placed in regional and local newspapers announcing the meetings and their purpose. Comments on the 1995 Corridor-Level DEIS and responses to those comments are summarized in Attachment A2 to this appendix.

Following receipt of public and agency comments on the DEIS, the Steering Committee, WSDOT, and FHWA concluded that the comments could be more fully addressed if details about the alternatives were developed. Once concurrence was given on the preferred corridor alignment, a decision was made to prepare a RDEIS that addressed specific project-level alignments.

The project-level EIS phase was initiated with a formal Public Scoping Meeting in February 1998. The intent of the federally mandated meeting was to solicit comments from the public on the proposed project, the specific EIS alternatives, and those issues that should be addressed in the EIS. Attendees were urged to provide comments on preprinted comment forms. The following summarizes the written and verbal issues raised at the hearing:

- Degree of land acquisition required, particularly residential land
- Infringement on Des Moines Creek Park
- Wetlands
- Des Moines Creek Drainage Basin
- Maintaining access for emergency service vehicles throughout the area
- Bicycle and pedestrian facilities
- Noise impacts and mitigation
- Access to residential areas
- Traffic operations
- Airport and aircraft safety

Public meetings have been held throughout the development of the alternatives. The following table lists the formal public meetings that have been held regarding the project during the development of the project-level EIS.

Meeting	Date	Purpose
Open house/scoping	February 26, 1998	Give citizens an opportunity to identify issues associated with the proposed project that should be considered in the DEIS
Open house	June 4, 1998	Provide project update, present of project-level alternatives, and inform residents of upcoming fieldwork
Open house	October 27, 1999	Provide results of value analysis and introduce new alternatives
Open house	January 10, 2001	Provide project update, present alternatives analysis, and introduce preliminary preferred alternative
Open house	February 12, 2002	Receive comments on the RDEIS
Revised DEIS public hearing	February 27, 2002	Receive comments on the RDEIS
Design hearing	October 17, 2002	Receive comments on preliminary design of the alternatives

In general, the majority of the comments at these public meetings have centered around preferences for a particular build alternative or more general comments about the alternatives being considered. The comments indicated a slight preference for Alternative C2, which was followed in order of preference by Alternatives D, C3, B, and C1 (with B and C1 having about the same level of preference). All of the people who preferred Alternative D were impacted by the other alternatives. A couple of comments also stated a preference to build nothing (Alternative A). Overall, opposition to the project or the preferred alternative represented a small minority of the comments received. People expressed concern about the amount of time project development was taking, particularly residents whose property might be affected by right-of-way acquisition. Concerns about project effects on traffic operations on local arterials and I-5 were also expressed. There were also some comments on noise, particularly the desire for noise barriers, and the need to minimize impacts to wetlands and to provide impact mitigation in the affected basins. The following summarizes the types of issues raised at the public meetings:

- Alternative selection and preferred alternative
- Timing of project construction and property acquisition
- Traffic operations
- Requests for maps, graphics and additional information
- Park impacts
- Cumulative impacts
- Relocation and property issues
- Noise
- Wetland impacts

- Impacts to water supply wells
- Cost
- Construction impacts to air quality

A public hearing on the RDEIS was held on February 2002. The purpose of the hearing was to solicit comments from the public on the proposed project, the specific EIS alternatives, and impacts of the project on the built and natural environment. Attendees were asked to provide comments on preprinted comment forms or give oral comments to a court reporter. Comments on the RDEIS are included in their entirety in Chapter 5 of this FEIS, along with written responses to those comments.

A design hearing was held in October 2002 to present design work completed to date and solicit comments on the proposed design for the preferred alternative and other alternatives under consideration. Information presented included basic roadway alignment design; grading limits; stormwater facilities design; locations and sizes of bridges, retaining walls, and drainage structures; locations of proposed noise mitigation; preliminary right-of-way acquisition limits; cost estimates (including details from the Construction Estimate Validation Process, which WSDOT based on the latest cost estimating methods from around the country and elsewhere in the world). The following summarizes comments and issues raised by the public related to the design of the preferred alternative:

- Support for the project and the preferred alternative
- Timing of funding, property acquisition, and construction
- Local access revisions at South 208th Street in the Madrona neighborhood
- Noise barrier locations and timing of construction
- Current operations and future improvements at South 272nd Street
- Potential contaminated fill due to ASARCO operations
- Air quality analysis and Clean Air Act conformity
- Noise and pollutants related to increased truck traffic
- Pedestrian routes for children at the Madrona Elementary School
- Property acquisition and relocation due to drainage facilities location

Prior to the public meetings, newsletters were distributed to inform the public about upcoming meetings and project activities. These newsletters focused on

the topics addressed at the public meetings. The newsletters were dated February 1998, May 1998, October 1999, and November 2000, and January and October 2002. Another newsletter was also sent out in February 1999 describing the benefits of the project and anticipated funding requirements; this newsletter did not precede a public meeting. In addition, advertisements were placed in regional and local newspapers announcing the meetings and their purpose.

Meetings have also been held with interested groups and individuals, such as individual city councils, business owners and managers, and neighborhood groups.

Permits, Licenses, and Other Required Actions or Approvals

- Federal Highway Administration
 - Interstate Access Approval
- U.S. Army Corps of Engineers
 - Section 404 of the Clean Water Act Permit
- Washington State Department of Ecology (Ecology)
 - Water Quality Certification, Section 401 of the Clean Water Act
 - National Pollutant Discharge Elimination System (NPDES) Stormwater Permit
 - NPDES Stormwater Site Plan—Individual
 - Coastal Zone Management Permit
- Washington Department of Natural Resources
 - Forest Practices Permit
- Washington State Department of Fish and Wildlife (WDFW)
 - Hydraulic Project Approval
- Cities of SeaTac, Des Moines, Federal Way, and Kent, and King County
 - Noise Variance
 - Clearing Permit
 - Critical Area Determination
 - SeaTac Essential Public Facilities Permit
- King County
 - Landfill Disturbance Permit (to be obtained by others)
- Federal Aviation Administration
 - Airport Highway Clearance

In addition to specific permits, other likely actions or approvals include:

- Section 4(f) Approval (related to impacts to parks and recreational land, wildlife refuges, and historic sites)—FHWA, U.S. Department of the Interior, and the Cities of Des Moines and Kent.
- Section 7 Consultation (related to impacts to threatened or endangered plant and animal species)—USFWS and NMFS
- Section 106 Review (related to impacts on historic properties)—Washington State Office of Archaeology and Historic Preservation (OAHP) and the Advisory Council on Historic Preservation

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ATTACHMENT A1

Concurrence Forms and Letters

**Concurrence Point 1:
Project Purpose and Need and Criteria
for Alternative Selection**



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia, Washington 98504-8711 • (206) 459-6000

February 5, 1996

Dale Morimoto, M.S.
Northwest Region Environmental
Dept. of Transportation
PO Box 330310
Seattle, WA 98133-9710

RE: Comments on DEIS, SR 509 Extension

Dear Mr. Morimoto:

Ecology has reviewed the Draft Environmental Impact Statement (DEIS), *SR 509 Extension/South Access Road Corridor Project*, received by Ecology in December, 1995. The proposed project will extend SR 509 to include two general-purpose travel lanes and a center high-occupancy vehicle lane in each direction, and to provide southern access to SeaTac Airport. The preferred alternative (Alternative 2) would impact 4.0 acres of wetlands, and cross several creeks and seismic hazard areas, and has the potential for crossing hazardous wastes and substances sites through the industrial sections of the proposed right of way. However, of the 3 build alternatives presented, Alternative 2 had the least amount of impact on the resources of the State.

Per the merger agreement, we have reviewed this document and provide the following comments. In general, we accept the purpose and need as stated in the DEIS, however we are concerned with the loss of wetlands and fish and wildlife habitat that would occur from this project as proposed. DOT should make every effort to avoid impacts to the wetlands and streams in the project area, especially for the category I and II wetlands, and Des Moines Creek.

For all unavoidable impacts, a detailed mitigation plan that is approved by Ecology will be required prior to permitting of the project. We would like to encourage DOT to consider a mitigation bank to compensate for the unavoidable impacts. DOT should combine impacts expected from this expansion with additional expected impacts from the future projects outlined on page S-4 in order to create a large bank for this and future projects. The use of a bank may allow for improved habitat and wetlands functions and values for the watershed. Please contact Ecology for information or assistance in the development of a mitigation bank proposal.

Specific comments to the plan are addressed below:

1. **Proposed Alternative:** DOT has selected Alternative 2 as their preferred alternative based on the lower cost and decreased environmental impacts of this alternative. Ecology supports this decision but recommends DOT consider additional avoidance or minimization on the impacts to the functions and values of the wetlands and streams to be crossed. If possible, Des Moines Creek and it's buffer should be bridged or avoided in some other way.
2. The final EIS should describe how the Category levels were assigned to each of the wetlands, and should define how the functions and values associated with each wetlands and creek will be replaced by the proposed mitigation.
3. The stormwater detention and treatment systems required for treating the additional runoff should be designed to include treatment of current road runoff. The systems should be located outside of wetland areas.
4. DOT should consult Ecology Hazardous Waste Section about cleanup requirements in the industrial areas prior to completion of the final EIS. The site should be tested and a cleanup plan prepared and presented in the EIS.
5. Table S-1: Under the Water Quality column of this table, information should be included about monitoring and maintenance requirements should be listed as part of the erosion control under mitigation.
6. Table S-1: Under the Wetlands column of this table, information should be included about erosion control around wetlands and wetland buffers as part of mitigation. Silt fences and other measures should be used to isolate the construction site from the mitigation site. Monitoring and maintenance requirements of the erosion control structures should also be included.
7. The information (second sentence) provided under Coastal Zone on page 4-30 and 31 is misleading. The exemption of the Shoreline management permit is only one criteria for meeting consistency requirements of the Coastal Zone Management (CZM) Act. This sentence should be removed or re-written to clearly state that it is only one criteria, and not "generally the State considers the project is in compliance" due to the shoreline exemption.

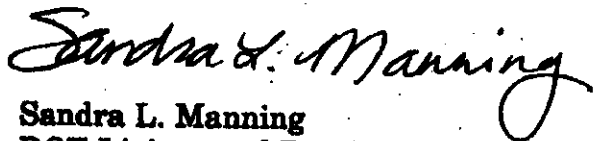
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February 5, 1996
Page 3

Mitigation:

8. Additional work needed to complete the goals of the *Des Moines Creek Restoration Project* (Herrera and Hall, 1989) as stated on page 3-18, may provide an opportunity for some of the project mitigation requirements.
9. Page 4-55 should include some information about the requirements of the DOT and Ecology Implementation Agreement for Wetland Mitigation.
10. Mitigation for the functions and values lost during bridging of creeks and wetlands should be included in the overall mitigation ratios and requirements.

If you have any questions please contact me at (206) 407-6912.

Sincerely,



Sandra L. Manning
DOT Liaison and Permit Reviewer
Environmental Review and Sediments

cc: DOT - Sandy Stephens
WDFW - Randy Carmon
Ecology - Ann Boeholdt, Bob Fritzen, Roger Nye
EPA - Richard Clark
Corps - Jack Kennedy

~~PREPARED~~
MIRANDA
UNP Blower



U.S. Department
of Transportation
Federal Aviation
Administration

for EIS
(FHWA didn't
send the original
This should be
good enough C.

Seattle Airports District Office
1601 Lind Avenue, S.W.
Renton, WA 98055-4056

May 27, 1997

Mr. Gene K. Fong
Division Administrator
U.S. Department of Transportation
Federal Highway Administration Suite 501, Evergreen Plaza
711 South Capitol Way
Olympia, Washington 98501-1284

Dear Mr. Fong:

We have received your May 13, 1997 letter to Mr. Frederick Isaac requesting Federal Aviation Administration (FAA) participation as a Cooperating Agency on the Supplemental Draft Environmental Impact Statement (SDEIS) for the State Route 509 Extension/South Access Road project. We would like to reconfirm our participation in the cooperating agency role. We understand that our involvement will be limited to those areas under the FAA jurisdiction or special expertise as was the case in the corridor level Draft EIS for the project that was completed in December of 1995.

We look forward to working with you on the SDEIS. Should you have any questions, please contact Cayla Morgan at (206) 227-2653.

Sincerely,

J. Wade Bryant
Manager,
Seattle Airports District Office



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 467-7000

June 10, 1997

Dale Morimoto, M.S.
Northwest Region Environmental
Dept. of Transportation
PO Box 330310
Seattle, WA 98133-9710

[illegible]

RE: Request for Cooperating Agency Status, SR 509 Extension
Concurrence Point #1 per Merger Agreement

Dear Mr. Morimoto:

I have reviewed your April 25th letter requesting Ecology act as a cooperating agency in development of environmental documentation for the SR 509 Extension/South Access Road Corridor Project. The proposed project will extend SR 509 to include two general-purpose travel lanes and a center high-occupancy vehicle lane in each direction, and to provide southern access to SeaTac Airport. We decline your offer to act as a cooperating agency for this project.

In Ecology's February 5th, 1996 comment letter on the Draft Environmental Impact Statement (DEIS), Ecology provided concurrence per the Merger Agreement on concurrence point number 1. Please accept this letter as confirmation that we agree with the stated purpose and need, but recommend that the criteria for improving regional mobility and safety should be included in the purpose and need statement. We also agree with the criteria for selecting the range of alternatives as presented in DOT's April 25th summary letter.

If the Supplemental DEIS has the same purpose and need (along with safety), and the criteria for selection that are stated in the April 25th summary, then Ecology will consider this letter the approval for concurrence point number 1, unless additional information is provided that warrants comments.

As stated in Ecology's February letter, we are still concerned with the loss of wetlands and fish and wildlife habitat that would occur from this project as proposed. DOT should make every effort to avoid impacts to the wetlands and streams in the project area, especially for the category I and II wetlands, and Des Moines Creek. All other comments as stated in the February letter (attached) should be addressed in the SDEIS.

SR-509, DEIS Merger Comments

June 10, 1997

Page 2

If you have any questions please contact me at (360) 407-6912.

Sincerely,

A handwritten signature in cursive script that reads "Sandra L. Manning".

Sandra L. Manning

DOT Liaison and Permit Reviewer

Environmental Review and Sediments

cc: DOT - Sandy Stephens
WDFW - Randy Carmon
NMFS - Dennis Carlson
USFWS - Nancy Brennan-Dubbs
EPA - Richard Clark
Corps - Jack Kennedy

[illegible]

Merger Agreement Concurrence Form

Project Title	SR#	Region	County
SR 509/South Access Road	509	Northwest	King
WRIA	Environmental Document Classification	DATE RECEIVED	
0377 / 0380	Joint NEPA/SEPA EIS	DEC 31 '97	

<input checked="" type="checkbox"/> Project purpose & need	<input type="checkbox"/> Preferred alternative/Least environmentally damaging alternative
<input checked="" type="checkbox"/> Criteria for alternatives selection	<input type="checkbox"/> Detailed mitigation plan
<input checked="" type="checkbox"/> Role of all agencies	<input type="checkbox"/> Preliminary preferred alternative when known
<input type="checkbox"/> Project alternatives to be evaluated in DEIS	

WSDOT Contact Person Dean Torkko

Environmental Summary

The proposed project would improve regional travel by extending the existing State Route 509 from its current terminus with a City of SeaTac arterial (S. 188th St.) southward to a connection with Interstate 5 and improve southerly access to and from Seattle/Tacoma International Airport by means of a new South Access Road which would connect the airport drive system with the new SR 509 extended roadway.

Concurrence Request

Having discussed the above concurrence point(s), the agency representative, by his/her signature to this document, signifies one of the following:

- ☐ Concurrence as presented ¹
☒ Concurrence with comments ³
☐ Nonconcurrence ²
☐ Waived ⁴

Comments/Reasons for Nonconcurrency

Although we concur with the above points, we request the removal of the last part of the last sentence of the purpose & need statement, which says, "... by means of a new South Access Road which would connect the airport drive system with the new I-8509 expanded roadway."

Additional Information Needed

Agency: EPA

NCPA Team Leader
Title:

Signature: John Greger

12/24/97
Date:

- 1 Definition of Concurrence - "Written determination by the agency that information to date is adequate for this stage, and the project may proceed to the next stage without modification."
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United States Department of the Interior

FISH AND WILDLIFE SERVICE

North Pacific Coast Ecoregion

Western Washington Office

510 Desmond Drive SE, Suite 102

Lacey, Washington 98503

Phone: (360) 753-9440 Fax: (360) 753-9008

RECEIVED
JUN 28 1997
FISH AND WILDLIFE SERVICE

June 19, 1997

Gene Fong
Washington Division
Washington State Department of Transportation
711 South Capitol Way
Suite 501 Evergreen Plaza
Olympia, Washington 98501-1284

Subject: SR 509 Extension/South Access Road, NEPA/404 Merger and Request for Cooperating Agency Status

Dear Mr. Fong:

The U. S. Fish and Wildlife Service (Service) is responding to the above document regarding Concurrence Point Number 1 as part of the Merger Agreement, as well as the request for our agency to act as a cooperator. We decline your offer to act as a cooperating agency for this proposed project. Please find enclosed the signed Merger Agreement Concurrence Form. The Service has the following comments regarding the purpose and need, and range of alternatives to be addressed in the Supplemental Draft Environmental Impact Statement (SDEIS).

1. The SDEIS should address the need for the project if the proposed third runway expansion for SeaTac Airport does not go forward.
2. Alternative selection and screening criteria included assessing impacts to threatened and endangered species, and loss of wetlands due to filling and vegetation removal. Impacts to other wildlife species and wetland impacts due to shading, fragmentation, and changes in hydrology (i.e., decreasing flows) need to also be considered in the assessment of alternatives.

Please contact Nancy Brennan-Dubbs, of my staff, at (360) 753-5835 or at the above address in the future regarding this project.

Sincerely,



for David C. Frederick
Supervisor

nbd/jmc

Enclosure

WSDOT/SR509/King

c: EPA, Seattle (Roy)

EPA, Lacey (Clark)

NMFS, Lacey (Carlson)

COE, Seattle (Kennedy)

WDE, Lacey (Manning)

WDFW, Region 4

WSDOT, Olympia (Stephens)

wedocw30p13

Merger Agreement Concurrence Form

Project Title SR 509	SR# 509	Region Olympic	County King
WRIA WRIA	Environmental Document Classification SEIS		Date Concurrence Due 6-28-97

- ☒ Project purpose & need
☒ Criteria for alternatives selection
☐ Role of all agencies
☐ Project alternatives to be evaluated in DEIS
- ☐ Preferred alternative/Least environmentally damaging alternative
☐ Detailed mitigation plan
☐ Preliminary preferred alternative when known

WSDOT Contact Person Jose Miranda

Environmental Summary

Concurrence Request

Having discussed the above concurrence point(s), the agency representative, by his/her signature in this document, signifies one of the following:

- ☐ Concurrence as presented¹
☐ Nonconcurrence²
☒ Concurrence with comments³
☐ Waived⁴

Comments/Reasons for Nonconcurrence

See attached cover letter

Additional Information Needed

Agency:

Title:

Signature:

Date:

US FWS

Acting Supervisor

Blanca A. Ralston

6/20/97

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REPLY TO
ATTENTION OF

Regulatory Branch

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3788
SEATTLE, WASHINGTON 98124-2288

JUL 30 1997

To: Christina Olson

Gene Fong
Division Administrator
Federal Highway Administration
711 South Capitol Way, #501
Olympia, Washington 98501

Reference: SR 509 EIS

Dear Mr. Fong:

The Seattle District, U.S. Army Corps of Engineers, concurs with your agency's decision to proceed to project-level documentation for extension of State Route 509, from its current terminus south of Seattle Tacoma International Airport near South 188th Street, eastward to Interstate 5. As we understand it, the documentation is to be a Supplemental Draft Environmental Impact Statement. It would supplement the corridor-level Draft Environmental Impact Statement Impact Statement entitled *SR 509/South Access Road Corridor Project and Draft Environmental Impact Statement and Section 4(f) Evaluation*. We accept your offer to be a cooperating agency in the preparation of the Environmental Impact Statement (EIS) pursuant to the NEPA/SEPA/Section 404 Merger Agreement.

In our February 29, 1996 letter on this project, we concurred with the Draft EIS Purpose and Need statement. We still do. We also concur with your selection of alternatives to be forwarded for further consideration. The concerns and other observations expressed in that February 1996 letter remain current.

Jack Kennedy remains the Corps staff contact person for this project. If you have any questions, please contact him at (206) 764-6907.

Sincerely,

Ann R. Uhrich

Ann R. Uhrich
Chief, Environmental and
Processing Section

Concurrence Point 2
Project Alternatives

Merger Agreement Concurrence Form

Project Title

SR#

Region

County

Extension and South Access Road

509

Northwest

King

WRIA

WRIA 09

Streams 0377 & 0380

Environmental Document
Classification

Joint NEPA/SEPA EIS

Date Concurrence Due

11/15/99

☐ P Project purpose & need

☐ 1 Criteria for alternatives selection

☐ 1 Role of all agencies

☒ 1 Project alternatives to be evaluated in DEIS

☐ 1 Preferred alternative/Least
environmentally damaging alternative

☐ 1 Detailed mitigation plan

☐ 1 Preliminary preferred alternative when known

WSDOT Contact Person Susan Powell

Environmental Summary

The purpose of the proposed action is to improve regional highway connections with an extension of SR 509 to serve future transportation needs in southwest King County and to enhance southern access to Seattle-Tacoma International Airport.

Concurrence Request

Having discussed the above concurrence point(s), the agency representative, by his/her signature to this document, signifies one of the following:

☐ 1 Concurrence as presented¹

☐ 1 Nonconcurrence²

☐ 1 Concurrence with comments³

☒ 1 Waived⁴

Comments/Reasons for
Nonconcurrence

Additional Information
Needed

NMFS
Agency:

Fishery Biologist
Title:

Signature: Dan Guy

12/29/99
Date:

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STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

March 30, 2000

Susan Powell
Northwest Region Environmental
Dept. of Transportation
PO Box 330310
Seattle, WA 98133-9710

RE: SR 509 Extension - Concurrence Point #2 per Merger Agreement, Project
Alternatives to be Evaluated

Dear Ms. Powell:

I have reviewed your November 15th letter requesting Ecology's concurrence for the alternatives identified by DOT to be evaluated in the environmental documentation for the SR 509 Extension/South Access Road Corridor Project. The proposed project will extend SR 509 to include two general-purpose travel lanes and a center high-occupancy vehicle lane in each direction, and to provide southern access to SeaTac Airport.

In the attached form, we have stated our decision to be concurrence with comments. We have the following comments on the alternatives:

- 1) All of the alternatives proposed have significant aquatic impacts in an area where mitigation opportunities are limited. We continue to be concerned with the loss of wetlands and fish and wildlife habitat that would occur from this project as proposed. DOT should make every effort to avoid impacts to the wetlands and streams in the project area, especially for the category I and II wetlands, and Des Moines Creek. We recommend DOT form a technical committee with the resource agencies and the FAA to assist in determining additional avoidance requirements early on, and potential mitigation sites that will be needed for project mitigation. It is essential that these areas are identified early, and agreed on by all the permitting agencies because of the limited mitigation areas, many of which are being proposed for mitigation by the SeaTac third runway expansion needs.

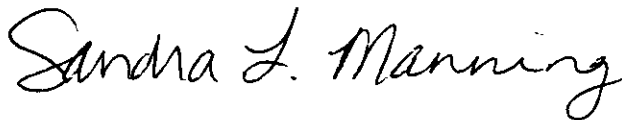
March 30, 2000

Page 2 of 2

- 2) It is essential for DOT to continue to work with SeaTac to make certain that areas proposed for expansion on SR 509 do not impact the Port's proposed mitigation areas. Also, the two project's documents should be coordinated so that if there is an area that DOT is avoiding, but will be filled by the Port (or visa versa), it should not be presented as avoidance in the EISs. The areas that will eventually be filled by either project should be documented in the EIS, so that the Port or DOT are not getting credit for avoidance measures in their EIS document, or in the mitigation sequencing requirements of the 401/404 Clean Water Act review.
- 3) DOT should consider combining mitigation efforts and requirements with the Port, in order to obtain a better mitigation strategy for the area.
- 4) The impacts that will occur to the East Fork of Des Moines Creek, between Bow Lake and the Tyee Golf Course, and approximately 5 acres of associated wetland adjacent to the Creek are unclear. The maps provided by DOT show impacts different from the maps in the Corps public notice for the SeaTac expansion #96-4-02325R and in the EIS for the SeaTac expansion. It would be very helpful to have a single map showing the impacts that 509 will have to this area, and how the runway expansion has been coordinated with DOT for the creek and wetlands located under the proposed bridge that the Port of Seattle is building for the SeaTac expansion.

If you have any questions please contact me at (360) 407-6912.

Sincerely,



Sandra L. Manning
DOT Liaison and Permit Reviewer
Environmental Review and Assistance

cc: WDFW - Cynthia Pratt
NMFS - Dennis Carlson
USFWS - Nancy Brennan-Dubbs
EPA - Richard Clark
Corps - Jack Kennedy
Ecology - Sarah Suggs, Janet Thompson, Tom Luster, Erik Stockdale,
Sandra Lange

Merger Agreement Concurrence Form

Project Title	SR#	Region	County
Extension and South Access Road	509	Northwest	King
WRIA	Environmental Document Classification	Date Concurrence Due	
WRIA 09	Joint NEPA/SEPA EIS	11/16/99 2/22/00 info. received by Ecology on 1/2/00 sm	
Streams 0377 & 0380			

<input type="checkbox"/> P Project purpose & need	<input type="checkbox"/> 1 Preferred alternative/Least environmentally damaging alternative
<input type="checkbox"/> 1 Criteria for alternatives selection	<input type="checkbox"/> 1 Detailed mitigation plan
<input type="checkbox"/> 1 Role of all agencies	<input type="checkbox"/> 1 Preliminary preferred alternative when known
<input checked="" type="checkbox"/> 1 Project alternatives to be evaluated in DEIS	

WSDOT Contact Person Susan Powell, fax 440-4805

Environmental Summary

The purpose of the proposed action is to improve regional highway connections with an extension of SR 509 to serve future transportation needs in southwest King County and to enhance southern access to Seattle-Tacoma International Airport.

Concurrence Request

Having discussed the above concurrence point(s), the agency representative, by his/her signature to this document, signifies one of the following:

- ☐ 1 Concurrence as presented¹
- ☐ 1 Nonconcurrence²

- ☒ 1 Concurrence with comments³
- ☐ 1 Waived⁴

Comments/Reasons for
Nonconcurrence

see attached

Additional Information
Needed

Ecology
Agency:

DOT Liaison
Title:

Sandra L. Manning
Signature:

3/30/00
Date:

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Concurrence Form

Project Title	SR#	Region	County
Extension and South Access Road	509	Northwest	King
WRIA 0377/0380	Environmental Document Classification	Date Concurrence Due	
Joint NEPA/SEPA EIS		11/15/99	

- | | |
|--|---|
| <input type="checkbox"/> Project purpose & need | <input type="checkbox"/> Preferred alternative/Least environmentally damaging alternative |
| <input type="checkbox"/> Criteria for alternatives selection | <input type="checkbox"/> Detailed mitigation plan |
| <input type="checkbox"/> Role of all agencies | <input type="checkbox"/> Preliminary preferred alternative when known |
| <input checked="" type="checkbox"/> Project alternatives to be evaluated in DEIS | |

WSDOT Contact Person Susan Powell

Environmental Summary

The proposed project would improve regional travel by extending the existing SR 509 from its current terminus with a city arterial southward to a connection with Interstate 5 and improve southerly access to and from Seattle-Tacoma International Airport by means of a new South Access Road which connect the airport drive system with the new SR 509 extended roadway.

Concurrence Request

Having discussed the above concurrence point(s), the agency representative, by his/her signature to this document, signifies one of the following:

- ☒ Concurrence as presented¹
☐ Nonconcurrence²

- ☐ Concurrence with comments³
☐ Waived⁴

Comments/Reasons for Nonconcurrence

Additional Information Needed

CORPS of Engineers
Agency:Regulatory Project Manager
Title:

Signature:

J. Kennedy

12/21/99
Date:

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9/13/1999

Merger Agreement Concurrence Form

Project Title	SR#	Region	County
Extension and South Access Road	509	Northwest	King
WRIA	Environmental Document	RECEIVED NOV 19 1999 SOUTH KING COUNTY AREA ADMINISTRATION 11/15/99	
WRIA 09	Classification		
Streams 0377 & 0380	Joint NEPA/SEPA EIS		

- | | |
|--|---|
| <input type="checkbox"/> P Project purpose & need | <input type="checkbox"/> 1 Preferred alternative/Least environmentally damaging alternative |
| <input type="checkbox"/> 1 Criteria for alternatives selection | <input type="checkbox"/> 1 Detailed mitigation plan |
| <input type="checkbox"/> 1 Role of all agencies | <input type="checkbox"/> 1 Preliminary preferred alternative when known |
| <input checked="" type="checkbox"/> 1 Project alternatives to be evaluated in DEIS | |

WSDOT Contact Person Susan Powell

Environmental Summary

The purpose of the proposed action is to improve regional highway connections with an extension of SR 509 to serve future transportation needs in southwest King County and to enhance southern access to Seattle-Tacoma International Airport.

Concurrence Request

Having discussed the above concurrence point(s), the agency representative, by his/her signature to this document, signifies one of the following:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 1 Concurrence as presented ¹ | <input type="checkbox"/> 1 Concurrence with comments ³ |
| <input type="checkbox"/> 1 Nonconcurrence ² | <input type="checkbox"/> 1 Waived ⁴ |

Comments/Reasons for
Nonconcurrence

Additional Information
Needed

Agency: WDFW Title: NEPA/SEPA Coordinator Signature: Cynthia R. Pratt Date: 11/12/99

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United States Department of the Interior

FISH AND WILDLIFE SERVICE

North Pacific Coast Ecoregion

Western Washington Office

510 Desmond Drive SE, Suite 102

Lacey, Washington 98503

Phone: (360) 753-9440 Fax: (360) 753-9008

DEC 3 1999

Susan Powell
Northwest Region Environmental
Washington Department of Transportation
PO Box 330310
Seattle, Washington 98133-9710

Re: SR 509 Extension and South Access Road, Concurrence Point 2

Dear Ms. Powell:

We have received your request for concurrence on the project alternatives to be evaluated in the Draft Environmental Impact Statement (Concurrence Point 2 of the NEPA/404 Merger Process) for the above proposed project. Due to staffing constraints, we are waiving our concurrence on this point.

Should you have any comments, please contact Nancy Brennan-Dubbs, of my staff, at (360)753-5835 or at the above letterhead address.

Sincerely,

Gerry A. Jackson, Manager
Western Washington Office

nbd/jk

c: EPA, Seattle (Roy)
DOE, Lacey (Manning)
WDFW, Region 4 (Schneider)
Corps, Seattle (Kennedy)

[illegible]

**Concurrence Point 2:
Preliminary Preferred Alternative**



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N - Olympia, Washington 98501-1091 - (360) 902-2200, TDD (360) 902-2207
Main Office location: Natural Resources Building - 1111 Washington Street SE - Olympia, WA

August 24, 2001

Washington State
Department of Transportation
Northwest Region
Attention: Ms. Susan Powell
P.O. box 330310
Seattle, Washington 98133-9710

Dear Ms. Powell *Susan*:

**SUBJECT: SR 509, South Access Road, 404 Merger
Concurrence Point #2, Preliminary Preferred Alternative, Des
Moines Creek, WRIA 09.377, and Massey Creek, WRIA
09.0380**

Washington Department of Fish and Wildlife (WDFW) has reviewed the SR 509 South Access Road project and the request for concurrence with the Preliminary Preferred Alternative (Concurrence Point #2). We have the following comments.

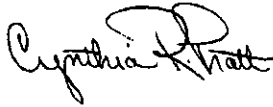
We concur with the C2 alternative and believe this is the best choice overall to balance fish and wildlife impacts with 4(f) impacts. Our agency still would like to see cumulative impacts of the closely related projects in this area viewed together, if possible. This analysis could then be analyzed for amount of mitigation needed to overcome overall impacts, which may be severe.

We want to iterate that there are chum and coho salmon, steelhead and cutthroat trout in Des Moines Creek. We understand that there might be a tributary to Des Moines Creek which enters the large wetland at the upper end of the project. No mention of this stream is found on your maps or in the discussion. This would be another good opportunity for enhancement of this stream reach, which has been straightened to flow again the road, and at times flows through a culvert.

WSDOT, Northwest Region
Ms. Susan Powell
August 24, 2001
Page 2

Thank you for the opportunity to participate in this project. If you have any questions about this letter, please call me at (360) 902-2575. If you have specific questions concerning the area, please call Deborah Cornett, the Regional Habitat Program Manager, at (425) 775-1131, Extension 114, for the Area Habitat Biologist for the SR 509 South Access project.

Sincerely,



Cynthia R. Pratt
SEPA/NEPA Coordinator
Regulatory Services Section
Environmental Services Division
Habitat Program

cc: Stephen Kalinowski, Reg. Services
Gayle Kreitman, RSSM
Deborah Cornett, RHPM, Reg. 4

Merger Agreement Concurrence Form

Project Title SR# Region County
Extension and South 509 Northwest King

WRIA Environmental Document Date Concurrence Due
WRIA 09 Classification 9/24/2001
Streams 0377 and 0380 Joint NEPA/SEPA EIS

- ☐ Project purpose & need ☐ Preferred alternative/Least environmentally damaging alternative
☐ Criteria for alternatives selection ☐ Detailed mitigation plan
☐ Role of all agencies ☒ Preliminary Preferred Alternative
☐ Project alternatives to be evaluated in DEIS

WSDOT Contact Person **Susan Powell**

Environmental Summary

The purpose of the proposed action is to improve regional highway connections with an extension of SR 509 to serve future transportation needs in southwest King County and to enhance southern access to Seattle-Tacoma International Airport.

Concurrence Request

Having discussed the above concurrence point(s), the agency representative, by his/her signature to this document, signifies one of the following:

- ☐ Concurrence as presented¹ ☒ Concurrence with comments³
☐ Nonconcurrence² ☐ Waived⁴

Comments/Reasons for
Nonconcurrence

Additional Information
Needed

Agency:

Title:

Signature:

Date:

WOPCO SEPA/NEPA Coordinator Cynthia R. Pratt 8/24/01

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United States Department of the Interior

FISH AND WILDLIFE SERVICE

Western Washington Office

510 Desmond Drive SE, Suite 102

Lacey, Washington 98503

Phone: (360) 753-9440 Fax: (360) 753-9008

SEP 24 2001
RECEIVED
U.S. DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
WESTERN WASHINGTON OFFICE
510 DESMOND DRIVE SE, SUITE 102
LACEY, WASHINGTON 98503
PHONE: (360) 753-9440 FAX: (360) 753-9008
FOR OFFICIAL USE ONLY
NAME
DATE
FILE

SEP 18 2001

Susan Powell, Environmental Specialist
Washington State Department of Transportation
MS 138
Post Office Box 330310
Seattle, Washington 98133-9710

Reference: SR509 South Access Road: 404 Merger Concurrence Point 2 (Preliminary Preferred Alternative)

Dear Ms. Powell:


Our office received a letter and concurrence package from your agency dated August 9, 2001, requesting our concurrence on "C2" as the "preliminary preferred alternative" for the SR 509 Extension and South Access Road project; and our consent to proceed with the Supplemental Draft Environmental Impact Statement presenting "C2" as the preliminary preferred alternative according to the NEPA/SEPA/Section 404 Merger Agreement.

As you know, our agency could not concur with the above request in the past because of concerns regarding potential conflicts with proposed mitigation sites, and potential impacts to riparian and wetland habitat.

However, the concurrence package mentioned above, and a recent presentation by your project staff at the August 29, 2001 Signatory Agency Committee meeting, provided the necessary additional information, and demonstrated that our previous concerns have been adequately addressed for this stage of the process. As such, we are able to provide our concurrence with your request at this time.

If you have any questions please contact Emily Teachout at (360) 753-9583.

Sincerely,


for Ken S. Berg, Manager
Western Washington Office

Enclosure

cc: COE (A. Robinson)
EPA (T. Conner)
NMFS (T. Gibbons)
WDOE (T. Swanson)
WDFW (C. Pratt)
WDOT (B. Brown)

Merger Agreement Concurrence Form

Project Title	SR#	Region	County
Extension and South	509	Northwest	King

WRIA WRIA 09 Streams 0377 and 0380	Environmental Document Classification Joint NEPA/SEPA EIS	Date Concurrence Due 9/24/2001
--	---	-----------------------------------

- | | |
|---|---|
| <input type="checkbox"/> Project purpose & need | <input type="checkbox"/> Preferred alternative/Least environmentally damaging alternative |
| <input type="checkbox"/> Criteria for alternatives selection | <input type="checkbox"/> Detailed mitigation plan |
| <input type="checkbox"/> Role of all agencies | <input checked="" type="checkbox"/> Preliminary Preferred Alternative |
| <input type="checkbox"/> Project alternatives to be evaluated in DEIS | |

WSDOT Contact Person **Susan Powell**

Environmental Summary

The purpose of the proposed action is to improve regional highway connections with an extension of SR 509 to serve future transportation needs in southwest King County and to enhance southern access to Seattle-Tacoma International Airport.

Concurrence Request

Having discussed the above concurrence point(s), the agency representative, by his/her signature to this document, signifies one of the following:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Concurrence as presented ¹ | <input type="checkbox"/> Concurrence with comments ³ |
| <input type="checkbox"/> Nonconcurrence ² | <input type="checkbox"/> Waived ⁴ |

Comments/Reasons for
Nonconcurrence

Additional Information
Needed

US Fish and Wildlife
Agency: Service

Division Manager
Title:

Lynn P. Childers
Signature:

9/6/01
Date:

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Merger Agreement Concurrence Form

Project Title
Extension and South

SR#
509

Region
Northwest

County
King

WRIA
WRIA 09
Streams 0377 and 0380

Environmental Document
Classification
Joint NEPA/SEPA EIS

Date Concurrence Due
9/24/2001

- | | |
|---|---|
| <input type="checkbox"/> Project purpose & need | <input type="checkbox"/> Preferred alternative/Least environmentally damaging alternative |
| <input type="checkbox"/> Criteria for alternatives selection | <input type="checkbox"/> Detailed mitigation plan |
| <input type="checkbox"/> Role of all agencies | <input checked="" type="checkbox"/> Preliminary Preferred Alternative |
| <input type="checkbox"/> Project alternatives to be evaluated in DEIS | |

WSDOT Contact Person **Susan Powell**

Environmental Summary

The purpose of the proposed action is to improve regional highway connections with an extension of SR 509 to serve future transportation needs in southwest King County and to enhance southern access to Seattle-Tacoma International Airport.

Concurrence Request

Having discussed the above concurrence point(s), the agency representative, by his/her signature to this document, signifies one of the following:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Concurrence as presented ¹ | <input type="checkbox"/> Concurrence with comments ³ |
| <input type="checkbox"/> Nonconcurrence ² | <input type="checkbox"/> Waived ⁴ |

Comments/Reasons for
Nonconcurrence

Additional Information
Needed

Agency: Corps of Engineers

Title: DOT Liaison - Project Mgr

Signature: Quinn M. Robinson

Date: 9/21/01

¹ Definition of Concurrence - "Written determination by the agency that information to date is adequate for this stage, and the project may proceed to the next stage without modification."

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N.M.F.S. O.F.O.
**Merger Agreement
Concurrence Form**

Project Title	SR#	Region	County
Extension and South	509	Northwest	King
WRIA	Environmental Document	Date Concurrence Due	
WRIA 09	Classification		
Streams 0377 and 0380	Joint NEPA/SEPA EIS	9/24/2001	

- | | |
|---|---|
| <input type="checkbox"/> Project purpose & need | <input type="checkbox"/> Preferred alternative/Least environmentally damaging alternative |
| <input type="checkbox"/> Criteria for alternatives selection | <input type="checkbox"/> Detailed mitigation plan |
| <input type="checkbox"/> Role of all agencies | <input checked="" type="checkbox"/> Preliminary Preferred Alternative |
| <input type="checkbox"/> Project alternatives to be evaluated in DEIS | |

WSDOT Contact Person **Susan Powell****Environmental Summary**

The purpose of the proposed action is to improve regional highway connections with an extension of SR 509 to serve future transportation needs in southwest King County and to enhance southern access to Seattle-Tacoma International Airport.

Concurrence Request

Having discussed the above concurrence point(s), the agency representative, by his/her signature to this document, signifies one of the following:

☒ Concurrence as presented¹
☐ Nonconcurrence²

☐ Concurrence with comments³
☐ Waived⁴

**Comments/Reasons for
Nonconcurrence****Additional Information
Needed**

Agency:

NMFS

Title:

Habitat Biologist

Signature:

Burt Ward

Date:

9/28/01

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8/8/2001



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

Reply To
Attn Of: ECO-088

SEP 24 2001

Ref: 96-003-FHA

Susan Powell
Washington State Department of Transportation
P.O. Box 330310, MS 138
Seattle, Washington 98133-9710

Dear Ms. Powell:

We have completed our review of the concurrence package for the proposed SR 509, Extension and South Access Road project, pursuant to the provisions of the NEPA/SEPA/404 Merger Agreement.

Based on the information reviewed, EPA concurs with the desire of the Washington State Department of Transportation (WSDOT) to include a preliminary preferred alternative in the Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed project. In concurring with the inclusion of Alternative C2 as the preliminary preferred alternative in the SDEIS, we are agreeing that it is appropriate for WSDOT to identify the alternative that is presently favored by your agency, based on the work you have conducted to date. We believe that identifying a preliminary preferred alternative in the SDEIS, as part of the larger NEPA process, will provide an appropriate focus for the public review of the document/project.

Our concurrence does not, however, represent an endorsement of Alternative C2 as the alternative that we believe best addresses all of the issues related to the proposed project. At this point in time, we do not believe that we have a sufficient understanding of the analyses that have been conducted to make such a determination. EPA still has concerns surrounding aquatic and fisheries resources, environmental justice, especially for members of the community that reside within mobile homes or rental units, and the indirect and cumulative impacts from neighboring or related projects within or adjacent to the proposed project. We expect that information presented in the SDEIS and any subsequent analyses will allow us to make a determination of the preferred alternative that we would endorse prior to publication of the final EIS.

With this concurrence, we agree with WSDOT's request to proceed with the publication and release of the SDEIS for public review. We have enclosed a completed version of the Concurrence Form that was included in your concurrence package. Should you have any questions, please contact Tom Connor of my staff at (206) 553-4423.

Sincerely,


Judith Leckrone Lee, Manager
Geographic Implementation Unit

Enclosure

cc: Carrie Berry - Ecology; Tom Gibbons - NMFS; Anne Robinson - Corps of Engineers;
Cynthia Pratt - WDFW; Emily Teachout - USFWS; Sharon Love - FHWA

Merger Agreement Concurrence Form

Project Title	SR#	Region	County
Extension and South	509	Northwest	King
WRIA WRIA 09	Environmental Document Classification	Date Concurrence Due	
Streams 0377 and 0380	Joint NEPA/SEPA EIS	9/24/2001	

- | | |
|---|---|
| <input type="checkbox"/> Project purpose & need | <input type="checkbox"/> Preferred alternative/Least environmentally damaging alternative |
| <input type="checkbox"/> Criteria for alternatives selection | <input type="checkbox"/> Detailed mitigation plan |
| <input type="checkbox"/> Role of all agencies | <input checked="" type="checkbox"/> Preliminary Preferred Alternative |
| <input type="checkbox"/> Project alternatives to be evaluated in DEIS | |
- WSDOT Contact Person **Susan Powell**

Environmental Summary

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Concurrence Request

Having discussed the above concurrence point(s), the agency representative, by his/her signature to this document, signifies one of the following:

- | | |
|--|--|
| <input type="checkbox"/> Concurrence as presented ¹ | <input checked="" type="checkbox"/> Concurrence with comments ³ |
| <input type="checkbox"/> Nonconcurrence ² | <input type="checkbox"/> Waived ⁴ |

Comments/Reasons for
Nonconcurrence

Additional Information
Needed

Agency: SEPA, Region 10 Title: Manager, Geographic Unit Signature: [Signature] Date: 9-24-01

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

September, 24, 2001

Ms. Susan Powell, Environmental Specialist
Washington State Department of Transportation
P.O. Box 330310 MS - 138
Seattle, WA 98133-9710

Dear Ms Powell:

Re: SR-509 South Access Road 404 Merger Concurrence Point #2 Preliminary Preferred Alternative

The Department of Ecology has reviewed the SR-509 South Access Road project and the request for concurrence with the Preliminary Preferred Alternative (Concurrence Point #2). We concur with the Preliminary Preferred Alternative, "Alternative C-2" because it appears preliminarily to be the least environmentally damaging alternative for the SR-509 Extension and South Access Road project. With our concurrence, we consent to the Department of Transportation's moving forward with the Supplemental Draft Environmental Impact Statement (SDEIS) in accordance with the NEPA/SEPA/Section 404 Merger Agreement.

Ecology remains concerned with the wetland and stream impacts. For example, while the conflict between Alternative C-2's spanning of Tyee Pond and the Port of Seattle's Third Runway permit application has been resolved, it remains crucial to make every effort to minimize the span coverage to Tyee Pond and avoid any permanent excavation or fill impacts to the Pond. Additionally, the Department of Ecology will work with you to develop solutions aimed at avoiding direct impacts to other wetlands in the area (e.g. spanning).

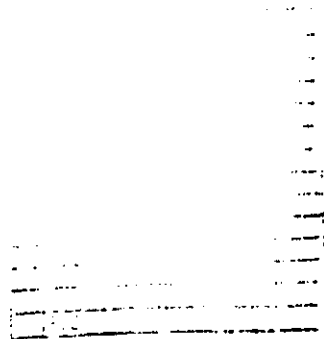
Towards that end, we recognize that WSDOT will be proposing wetland mitigation and selective stream restoration and enhancement in the upland as part of the mitigation package. We look forward to reviewing and commenting on that package.

Thank you for the opportunity to participate in this project. If you have any questions, please contact me at 360.407.6789 or tswa461@ecy.wa.gov.

Sincerely,

Therese Swanson
Ecology-WSDOT Liaison

Cynthia Pratt, WDFW
Sarah Suggs, Ecology NWR
Ann Kenny, Ecology NWR
Ann Robinson, ASACE
Emily Teachout, USFWS



Merger Agreement Concurrence Form

Project Title	SR#	Region	County
Extension and South	509	Northwest	King
WRIA WRIA 09 Streams 0377 and 0380	Environmental Document Classification Joint NEPA/SEPA EIS	Date Concurrence Due 9/24/2001	

- | | |
|---|---|
| <input type="checkbox"/> Project purpose & need | <input type="checkbox"/> Preferred alternative/Least environmentally damaging alternative |
| <input type="checkbox"/> Criteria for alternatives selection | <input type="checkbox"/> Detailed mitigation plan |
| <input type="checkbox"/> Role of all agencies | <input checked="" type="checkbox"/> Preliminary Preferred Alternative |
| <input type="checkbox"/> Project alternatives to be evaluated in DEIS | |
- WSDOT Contact Person **Susan Powell**

Environmental Summary

The purpose of the proposed action is to improve regional highway connections with an extension of SR 509 to serve future transportation needs in southwest King County and to enhance southern access to Seattle-Tacoma International Airport.

Concurrence Request

Having discussed the above concurrence point(s), the agency representative, by his/her signature to this document, signifies one of the following:

- | | |
|--|--|
| <input type="checkbox"/> Concurrence as presented ¹ | <input checked="" type="checkbox"/> Concurrence with comments ³ |
| <input type="checkbox"/> Nonconcurrence ² | <input type="checkbox"/> Waived ⁴ |

Comments/Reasons for
Nonconcurrence

Additional Information
Needed

Ecology

Ecology-DOT Liaison

Theresa Swanson

09-24-01

Agency:

Title:

Signature:

Date:

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**Concurrence Point 3:
Preferred Alternative and Apparent Section 404
Least Environmentally Damaging Alternative**

SAC Agreement Concurrence Form

RECEIVED
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SEP 18 2002
SEP 20 2002
ENVIRONMENTAL
ENVIRONMENTAL

Project Title: SR 509: Corridor Completion/I-5/South Access Road

State Route #: 509 County: King Date Due: 28 Oct 02

Concurrence Point # and Description

- | | |
|--|---|
| <input type="checkbox"/> #1 Project Purpose and Need
(limited to transportation issues) | <input checked="" type="checkbox"/> #3 Detailed Mitigation Plan |
| <input type="checkbox"/> #1 Screening Criteria for Selection
of Alternatives | <input checked="" type="checkbox"/> #3 For COE, USFWS, EPA, and
NMFS: NEPA/SEPA Preferred
Alternative/Apparent Section 404
LEDPA |
| <input type="checkbox"/> #2 Project Alternatives to be
evaluated in the DEIS | <input checked="" type="checkbox"/> #3 For Ecology and WDFW:
NEPA/SEPA Preferred Alternative |

WSDOT Project Contact Person: David T. Williams

Phone: 206-440-4524 Fax: 206-440-4805 E-mail: Willidt@WSDOT.wa.gov

Address: Washington State Department of Transportation
Northwest Region – Environmental Services
15700 Dayton Avenue North, NB82-138
PO Box 330310,
Seattle, WA 98133-9710

Brief Description of Project Status and Issues Relevant to Concurrence Points Checked Above:

The SR 509 project will be submitting the Preliminary Final EIS for agency, partner and internal review the week of September 16th – 20th, 2002. With SAC concurrence on Point #3, the project office expects to issue the Final EIS with the preferred alternative C2 in November of 2002 and will work toward receiving a Record of Decision in Early March of 2003. The Conceptual Wetland Mitigation Plan has been completed and has been included in the Pre-Concurrence Packet for Merger point #3. A Biological Assessment is being finalized and will be sent to the services for concurrence.

Agency Decision:
(see end of form for definitions)

- ☒ Concurrence
☐ Non-concurrence (provide reasons on next page)
☐ Waived

Summary of Reasons for Non-concurrence

Please include a detailed explanation of the reasons for non-concurrence. Also please identify the statutory or regulatory authority upon which this non-concurrence is based. (Attach detailed comments if needed)

Advisory Comments

Comments are advisory only, and will not trigger the issue resolution process. The project proponent will have 45 calendar days to respond to resource agency comments.

Corps of Engineers

Agency: _____

Name: Jack Kennedy

Signature: 

Title: Transportation Team Leader

Date: September 17, 2002

RECEIVED

OCT 30 2002

SAC Agreement Concurrence Form

ENVIRONMENTAL

Project Title:

SR 509 Corridor Completion/I-5/South Access Road

State Route #:

509

County:

King

Date Due:

28 Oct.
02

Concurrence Point # and Description

☐#1a Project Purpose and Need
(non-concurrence limited to
transportation issues)☒

#3a Detailed Mitigation Plan

☐#1b Screening Criteria for
Selection of Alternatives☒#3b1 For COE, USFWS, EPA, and
NMFS: NEPA/SEPA Preferred
Alternative/Apparent Section 404 LEDPA☐#2 Project Alternatives to be
evaluated in the DEIS☒#3b2 For Ecology and WDFW:
NEPA/SEPA Preferred Alternative

WSDOT Project Contact Person:

David T. Williams

Phone:

(206) 440-4524

Fax:

(206)-440-
4805

E-mail:

Willidt@WSDOT.wa.gov

Address:

Washington State Department of Transportation
Northwest Region – Environmental Services
15700 Dayton Avenue North, NB82-138
PO Box 330310
Seattle, WA 98133-9710**Brief Description of Project Status and Issues Relevant to Concurrence Points Checked Above:**

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Agency Decision:

(see end of form for definitions)

☒ Concurrence

☐ Non-concurrence (provide reasons on next page)

☐ Waived

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Advisory Comments

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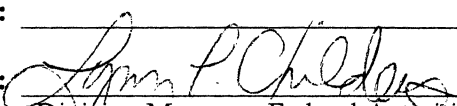
Please note that Concurrence Point 3 requires submittal of a "Detailed Mitigation Plan". We have been provided with a "conceptual" mitigation plan. However, in this case the conceptual plan is adequate for evaluating the proposed mitigation in order to provide concurrence on this point.

US Fish and Wildlife Service

Agency: _____

Lynn Childers

Signer's Name: _____

Signature:  _____

Division Manager, Federal Activities

Title: _____

Date: October 24, 2002

Technical Point of Contact: Emily Teachout

Each agency submitting a concurrence response is also responsible for mailing a final signed hard-copy of the form to all SAC agency members (Corps, Ecology, EPA, FHWA, NMFS, USFWS, WDFW, WSDOT).

Concurrence is a written determination that

1. The information is adequate for this stage, and
2. The project may proceed to the next stage without modification, and
3. The agency's concurrence is consistent with its statutes and regulations (given available information).
4. And, if applicable, concerns were adequately addressed by the project proponent following a non-concurrence.

Non-concurrence is written determination that

1. The information is inadequate for this stage, or
2. The concurrence submittal is inconsistent with the agency's statutory or regulatory authority (cite regulation or statute).
3. The issue resolution process will commence and the project will not proceed to the next concurrence point until each issue is resolved.

Waiver

A waiver is written determination by an agency that it voluntarily gives up its opportunity to provide concurrence or non-concurrence. Agencies that decide to waive agree not to revisit that concurrence point. An agency may elect to waive its concurrence opportunity at the beginning of the SAC process for a project or at a specific concurrence point. At a concurrence point, an agency may waive the opportunity to concur or non-concur on the entire concurrence point or an individual element of that point (for instance 1a or 1b).

Advisory Comments

Advisory comments provided in addition to the agency's concurrence or non-concurrence are informational only.

Concurrence with conditional comments is not permitted. Advisory comments provided with a concurrence will not trigger the issue resolution process, but the project proponent must respond to these comments in writing within 45 calendar days or identify when the response to comments will be provided if it is not possible to respond within 45 days.

Revised September 12, 2002

SAC Agreement Concurrence Form

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NOV 1 2002
ENVIRONMENTAL

Project Title: SR 509: Corridor Completion/I-5/South Access Road

State Route #: 509 County: King Date Due: 28 Oct 02

Concurrence Point # and Description

- | | |
|--|---|
| <input type="checkbox"/> #1 Project Purpose and Need
(limited to transportation issues) | <input checked="" type="checkbox"/> #3 Detailed Mitigation Plan |
| <input type="checkbox"/> #1 Screening Criteria for Selection
of Alternatives | <input checked="" type="checkbox"/> #3 For COE, USFWS, EPA, and
NMFS: NEPA/SEPA Preferred
Alternative/Apparent Section 404
LEDPA |
| <input type="checkbox"/> #2 Project Alternatives to be
evaluated in the DEIS | <input checked="" type="checkbox"/> #3 For Ecology and WDFW:
NEPA/SEPA Preferred Alternative |

WSDOT Project Contact Person: David T. Williams

Phone: 206-440-4524 Fax: 206-440-4805 E-mail: Willidt@WSDOT.wa.gov

Address: Washington State Department of Transportation
Northwest Region – Environmental Services
15700 Dayton Avenue North, NB82-138
PO Box 330310,
Seattle, WA 98133-9710

Brief Description of Project Status and Issues Relevant to Concurrence Points Checked Above:

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in the Pre-Concurrence Packet for Merger point #3. A Biological Assessment is being finalized and will be sent to the services for concurrence.

Agency Decision:

(see end of form for definitions)

- ☒ Concurrence
☐ Non-concurrence (provide reasons on next page)
☐ Waived

Summary of Reasons for Non-concurrence

Please include a detailed explanation of the reasons for non-concurrence. Also please identify the statutory or regulatory authority upon which this non-concurrence is based. (Attach detailed comments if needed)

Advisory Comments

Comments are advisory only, and will not trigger the issue resolution process. The project proponent will have 45 calendar days to respond to resource agency comments.

Please see attached letter.

Agency: USEPA, Region 10

Name: Judith Leckrone Lee
Signature: Judith Leckrone Lee
Title: Manager, Geographic Unit
Date: October 28, 2002

NOTE: Agencies submitting a concurrence response must send a signed hard copy of their response to all SAC agency representatives..

Concurrence is a written determination that

1. The information is adequate for this stage, and
2. The project may proceed to the next stage without modification, and
3. The agency's concurrence is consistent with its statutes and regulations (given available information).
4. And, if applicable, concerns were adequately addressed by the project proponent following a nonconcurrence.

Nonconcurrence is written determination that

1. One or more of the concurrence definition points, described in "C" above, is not being met, and
2. The issue resolution process will commence and the project will not proceed to the next concurrence point until each issue is resolved.

Waiver

A waiver is written determination by an agency that it voluntarily gives up its opportunity to provide concurrence or nonconcurrence. Agencies that decide to waive agree not to revisit that concurrence point. An agency may elect to waive its concurrence opportunity at the beginning of the SAC process for a project or at a specific concurrence point. At a concurrence point, an agency may waive the opportunity to concur or nonconcur on the entire concurrence point or an individual element of that point.

Advisory Comments

Comments provided in addition to the agency's concurrence or nonconcurrence based on its statutory or regulatory authority. Concurrence with conditional comments is not permitted. Advisory comments provided with a concurrence will not trigger the issue resolution process, but the project proponent must respond to these comments in writing within 45 calendar days.

Revised August 15, 2002



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

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NOV 1 2002

ENVIRONMENTAL

Reply To
Attn Of: ECO-088

OCT 28 2002

Dave Williams, EIS Coordinator
Washington State Department of Transportation (WSDOT)
Northwest Region - Environmental Services
15700 Dayton Avenue North, NB82-138
PO Box 330310
Seattle, Washington 98133-9710

Dear Mr. Williams:

As a member of the Signatory Advisory Coordination committee, the U.S. Environmental Protection Agency (EPA) is responding to **Concurrence Point #3, LEDPA/Preferred Alternative and Conceptual Mitigation Plan**, to Washington State Department of Transportation (WSDOT) for the SR 509/South Access Road Project. The EPA concurs with comments.

WSDOT's Preferred Alternative, Alternative C-2, seems to be the best alternative from a wetland mitigation perspective. There has been a good attempt made to reduce environmental impacts. Our comments are presented below, and we strongly recommend that they be incorporated into the FEIS.

Indirect and Cumulative Impacts due to Spanning Structures

The direct and cumulative impact of spanning bridges on the underlying wetlands, buffer areas and associated upland areas has not been well articulated in the Conceptual Wetland Mitigation Plan. As presented in the concurrence package, proposed bridge spanning and roadway separation over Des Moines Creek and project area wetlands will reduce total direct impacts to wetlands A, B, and D. Proposed spanning roadway structures will be 60 to 65 feet wide for each travel direction with a proposed roadway separation of between 30 to 40 feet (page 6 of 13). Therefore, the proposed hardened roadway canopies will extend over more than 120 feet within the mitigation areas. While potential shading impacts are presented, long-term shading impacts are not adequately discussed. The Conceptual Wetland Mitigation Plan package states that "some of the spans...could cause concern related to the introduction of shading" (page 6 of 13). Permanent shading occurrences and consequences within affected wetland areas should be more adequately disclosed.

Also, associated permanent rainfall interception and interruption by spanning roadways has not been adequately discussed. We acknowledge that the design team efforts in investigating "the feasibility of separating the northbound and southbound roadway alignments...and determined that separation could be incorporated"(page 6 of 13) into the proposed project. While

bridges' physical footprint are preferable to fill and proposed roadway separation will improve passage of light and rainfall, vegetation areas below these structures will not only be shaded, but will receive little or no precipitation that would normally cleanse leaves and insure that the upper soil layer is occasionally moistened. Shallow-rooted vegetation may or may not receive sufficient water during critical times of lowered water table. Bridge height and lane separation will help reduce bridge impact to wetlands and associated buffers, but it is quite likely that vegetation directly below the bridges will still be of poorer quality than comparable areas out in the open. The stretches of barren ground currently found beneath many existing bridges testify to the impact spanning structures can have on vegetation below. It would be desirable to understand what the bridge's total environmental effects actually are.

Since elevated structures created for proposed highway projects remains a viable option to minimize wetland impacts, hard data on the impacts of elevated highway spans would prove useful in other transportation projects as well as this one. Later in the process, mitigation monitoring plans should specifically include an assessment of vegetation under the spans and comparison to vegetation conditions outside of the spanned areas. To the extent possible, wetland mitigation data should also relate vegetation survival success (standards of success) to road span width and height; and this information should be included in the monitoring reports. If, after monitoring, vegetation appears to have been visibly affected, consideration should be given to perhaps using the under-bridge areas to enhance diversity by creating other habitat structures (brush piles, rock piles, etc).

Quantification of Wetland Impacts

- 1) The quantification of wetland impacts as addressed in the Conceptual Wetland Mitigation Plan is confusing due to inconsistencies and differences.
 - (a) The Revised DEIS states that proposed total wetland impacts would be 0.2 ac, yet the Concurrence package refers to 0.3 ac of total wetland impacts (see below).
 - (b) Regarding Alternative C2 at Merger Point 2, Part 2, the Alternative C2 Summary of Impacts Analysis Matrix (Matrix) shows 8.5 ac of total direct wetland impacts, where as the Conceptual Wetland Mitigation Plan describes 8.6 ac of total direct wetland Impacts.

DOCUMENT OR ARTICLE	ELEMENTS	WETLAND ACREAGE	
Revised DEIS (Table S-1 and Table 3.6-4)	Total direct wetland Impacts	0.2 ac	
	Wetland Buffer Impacts	13.9 ac	
		Alt. C2 at Merger Pt.2 Part 2	Alt C2 with impact minimization of FEIS
Alternative C2 Summary of Impacts Analysis Matrix (page 10)	Total direct wetland Impacts	8.5 ac	0.32 ac
	Wetland Buffer Impacts	13.9 ac	7.04 ac
Conceptual Wetland Mitigation Plan (page 22)	Total direct wetland Impacts	8.6 ac	0.3 ac

- (c) Regarding Alternative C2 with impact minimization of FEIS, the Matrix describes 0.32 ac of total direct wetland impacts, whereas the Conceptual Wetland Mitigation Plan describes 0.3 ac of total direct wetland impacts.
- (2) To reduce confusion and improve clarity, we suggest that all descriptions of wetland impacts be quantified to hundredths of acres.
- (a) Keeping discussions of wetland spanning impacts to hundredths of acres especially becomes meaningful when there are disclosures that proposed reduced impacts to Wetland B are from approximately 2.1 ac to 0.01 ac or Wetland A from 3.9 ac to 0.01 ac.

Figures 8, 9 and 10 (Conceptual Wetland Mitigation Plan) for the IAC parcel.

It is hard to understand what is going to occur in the IAC parcel. This is important because the IAC property is the chosen mitigation site.

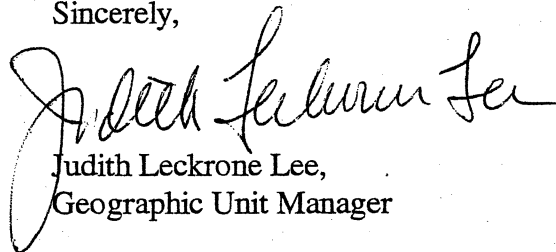
- (1) Figure 8 should be titled "Proposed Wetland mitigation Site, IAC Property" since this mitigation is for the proposed project.
- (2) There are inconsistencies between Figures 9 and 10, and within Figure 10.

Figure 9 show a logical eastward progression of areas starting at the western most end of cross section A-A from existing uplands, to existing wetland areas, to proposed wetland enhancement areas, then to proposed wetland restoration area, and ending at wetland buffer areas. Yet the view of the cross-section A-A starting west to east in Figure 10 goes from upland, to existing wetland, to buffer, then to wetland restoration, and ends at the

proposed wetland enhancement area. The easterly progression along cross-section A-A is inconsistent between two Figures. Also, the plane view insert within Figure 10 inaccurately documents proposed wetland mitigations. Again, this only increases the confusion for the reviewer.

We would be open to cooperating with the WSDOT's Northwest Region in drafting a revisions either for Concurrence Point #3 or for inclusion within a FEIS. Thank you for the opportunity to comment on these Concurrence Points. I encourage you to contact Tom Connor, of my staff at (206) 553-4423, or Joan Cabreza, of our Aquatic Resources Unit at (206) 553-7359, at your earliest convenience to discuss our comments, how they might best be addressed, and if we can provide any assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Judith Leckrone Lee". The signature is fluid and cursive, with the first name "Judith" being more prominent and the last name "Lee" ending in a long, sweeping tail.

Judith Leckrone Lee,
Geographic Unit Manager

Enclosures

cc Cynthia Pratt, WDFW
Jack Kennedy, USACOE
Sharon Love, FHWA
Barb Wood, NMFS
Sandra Manning, WDOE
Emily Teachout, USFWS

SAC Agreement Concurrence Form

Project Title: SR 509: Corridor Completion/I-5/South Access Road

State Route #: 509 **County:** King **Date Due:** 28 Oct 02

Concurrence Point # and Description

- | | |
|--|---|
| <input type="checkbox"/> #1 Project Purpose and Need
(limited to transportation issues) | <input checked="" type="checkbox"/> #3 Detailed Mitigation Plan |
| <input type="checkbox"/> #1 Screening Criteria for Selection
of Alternatives | <input checked="" type="checkbox"/> #3 For COE, USFWS, EPA, and
NMFS: NEPA/SEPA Preferred
Alternative/Apparent Section 404
LEDPA |
| <input type="checkbox"/> #2 Project Alternatives to be
evaluated in the DEIS | <input checked="" type="checkbox"/> #3 For Ecology and WDFW:
NEPA/SEPA Preferred Alternative |

WSDOT Project Contact Person: David T. Williams

Phone: 206-440-4524 **Fax:** 206-440-4805 **E-mail:** Willidt@WSDOT.wa.gov

Address: Washington State Department of Transportation
Northwest Region – Environmental Services
15700 Dayton Avenue North, NB82-138
PO Box 330310,
Seattle, WA 98133-9710

Brief Description of Project Status and Issues Relevant to Concurrence Points Checked Above:

The SR 509 project will be submitting the Preliminary Final EIS for agency, partner and internal review the week of September 16th – 20th, 2002. With SAC concurrence on Point #3, the project office expects to issue the Final EIS with the preferred alternative C2 in November of 2002 and will work toward receiving a Record of Decision in Early March of 2003. The Conceptual Wetland Mitigation Plan has been completed and has been included

in the Pre-Concurrence Packet for Merger point #3. A Biological Assessment is being finalized and will be sent to the services for concurrence.

Agency Decision:

(see end of form for definitions)

- ☒ Concurrence
☐ Non-concurrence (provide reasons on next page)
☐ Waived

Summary of Reasons for Non-concurrence

Please include a detailed explanation of the reasons for non-concurrence. Also please identify the statutory or regulatory authority upon which this non-concurrence is based. (Attach detailed comments if needed)

Advisory Comments

Comments are advisory only, and will not trigger the issue resolution process. The project proponent will have 45 calendar days to respond to resource agency comments.

See attached letter.

Agency: NORAA Fisheries

Name: Barbara Wood
Signature: Barbara Wood
Title: Habitat Biologist
Date: 10/28/02

NOTE: Agencies submitting a concurrence response must send a signed hard copy of their response to all SAC agency representatives..

Concurrence is a written determination that

1. The information is adequate for this stage, and
2. The project may proceed to the next stage without modification, and
3. The agency's concurrence is consistent with its statutes and regulations (given available information).
4. And, if applicable, concerns were adequately addressed by the project proponent following a nonconcurrence.

Nonconcurrence is written determination that

1. One or more of the concurrence definition points, described in "C" above, is not being met, and
2. The issue resolution process will commence and the project will not proceed to the next concurrence point until each issue is resolved.

Waiver

A waiver is written determination by an agency that it voluntarily gives up its opportunity to provide concurrence or nonconcurrence. Agencies that decide to waive agree not to revisit that concurrence point. An agency may elect to waive its concurrence opportunity at the beginning of the SAC process for a project or at a specific concurrence point. At a concurrence point, an agency may waive the opportunity to concur or nonconcur on the entire concurrence point or an individual element of that point.

Advisory Comments

Comments provided in addition to the agency's concurrence or nonconcurrence based on its statutory or regulatory authority. Concurrence with conditional comments is not permitted. Advisory comments provided with a concurrence will not trigger the issue resolution process, but the project proponent must respond to these comments in writing within 45 calendar days.

Revised August 15, 2002



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
WASHINGTON HABITAT BRANCH OFFICE
510 Desmond Drive SE/Suite 103
LACEY, WASHINGTON 98503
October 30, 2002

David T. Williams
Washington State Department of Transportation
15700 Dayton Avenue North, NB82-138
PO Box 330310
Seattle, Washington 98133-9710

RECEIVED
NOV 5 2002
ENVIRONMENTAL

Re: SAC Interagency Working Agreement Concurrence Point #3, SR 509/I 5/South Access Road Project

Dear Mr. Williams:

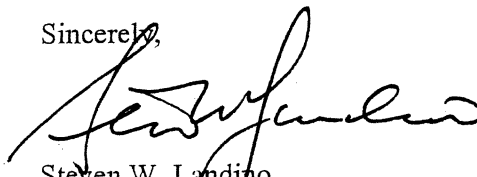
The National Marine Fisheries Service (NOAA Fisheries) is a signatory agency committee member with statutory, regulatory, and policy responsibilities under the Endangered Species Act, Magnuson-Stevens Fisheries Conservation and Management Act, and the Fish and Wildlife Coordination Act. NOAA Fisheries received your request for concurrence under the revised Interagency Working Agreement. NOAA Fisheries appreciates the opportunity to review and comment on this concurrence point.

We understand that for this concurrence point, NOAA Fisheries can concur, not concur, or waive. Whether concurring or not, NOAA Fisheries can comment on the proposal for this concurrence point. Furthermore, participating in this concurrence point does not in any way prejudice or alter NOAA Fisheries's statutory responsibilities under the above-named authorities.

NOAA Fisheries concurs with Concurrence Point #3, identification of the LEDPA/Preferred Alternative and Conceptual Mitigation Plan. NOAA Fisheries' concurrence is based on the selection of Alternative C2 and the implementation of the Des Moines Creek Basin Plan as part of the stormwater mitigation for the SR 509 Project. NOAA Fisheries participated in the Value Engineering (VE) study in April 2002 to review the project's stormwater design efforts. This was a very productive study that resulted in the inclusion of the Des Moines Creek Basin Plan to address water quality and quantity issues within the basin. The stormwater design changes include implementation of infiltration facilities where feasible, as well as a proposal for increased partnership with the Des Moines Creek Basin Plan to ensure successful implementation in conjunction with the construction of SR 509. The Basin Plan, along with SR 509 constructed facilities, will significantly reduce peak flows in Des Moines Creek and reduce the impacts of erosion, and increase the success rate of planned habitat restoration.

Thank you for the opportunity to review this concurrence point. If you have any questions or comments, please do not hesitate to contact Barbara Wood, of my staff at (360) 534-9307.

Sincerely,



Steven W. Landino
Washington Habitat Branch Chief

cc: Cynthia Pratt, WDFW,
Jennifer Quan, USFWS
Elaine Somers EPA
Anne Robinson COE
Sarah Suggs, WDOE



SAC Agreement Concurrence Form

Project Title: SR 509: Corridor Completion/I-5/South Access Road

State Route #: 509 County: King Date Due: 28 Oct 02

Concurrence Point # and Description

- | | |
|--|---|
| <input type="checkbox"/> #1 Project Purpose and Need
(limited to transportation issues) | <input checked="" type="checkbox"/> #3 Detailed Mitigation Plan |
| <input type="checkbox"/> #1 Screening Criteria for Selection
of Alternatives | <input checked="" type="checkbox"/> #3 For COE, USFWS, EPA, and
NMFS: NEPA/SEPA Preferred
Alternative/Apparent Section 404
LEDPA |
| <input type="checkbox"/> #2 Project Alternatives to be
evaluated in the DEIS | <input checked="" type="checkbox"/> #3 For Ecology and WDFW:
NEPA/SEPA Preferred Alternative |

WSDOT Project Contact Person: David T. Williams

Phone: 206-440-4524 Fax: 206-440-4805 E-mail: Willidt@WSDOT.wa.gov

Address: Washington State Department of Transportation

Northwest Region – Environmental Services

15700 Dayton Avenue North, NB82-138

PO Box 330310,

Seattle, WA 98133-9710

Brief Description of Project Status and Issues Relevant to Concurrence Points Checked Above:

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in the Pre-Concurrence Packet for Merger point #3. A Biological Assessment is being finalized and will be sent to the services for concurrence.

Agency Decision:

(see end of form for definitions)



Concurrence



Non-concurrence (provide reasons on next page)



Waived

Summary of Reasons for Non-concurrence

Please include a detailed explanation of the reasons for non-concurrence. Also please identify the statutory or regulatory authority upon which this non-concurrence is based. (Attach detailed comments if needed)

Advisory Comments

Comments are advisory only, and will not trigger the issue resolution process. The project proponent will have 45 calendar days to respond to resource agency comments.

See attached comments

Agency:

Ecology

Name: Sandra Manning & Sarah Suggs
Signature: Sandra L. Manning
Title: DOT Senior Liaison
Date: 10/9/02

NOTE: Agencies submitting a concurrence response must send a signed hard copy of their response to all SAC agency representatives..

Concurrence is a written determination that

1. The information is adequate for this stage, and
2. The project may proceed to the next stage without modification, and
3. The agency's concurrence is consistent with its statutes and regulations (given available information).
4. And, if applicable, concerns were adequately addressed by the project proponent following a nonconcurrence.

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Advisory Comments

Comments provided in addition to the agency's concurrence or nonconcurrence based on its statutory or regulatory authority. Concurrence with conditional comments is not permitted. Advisory comments provided with a concurrence will not trigger the issue resolution process, but the project proponent must respond to these comments in writing within 45 calendar days.

Revised August 15, 2002



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

OCT 15 2002

P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

October 9, 2002

John White and Kynan Patterson
Northwest Washington Division
Dept. of Transportation
Urban Corridors Office
6431 Corson Avenue South
Seattle, WA 98108

RE: SR 509 South Access Road - Concurrence of Point #3 per Merger Agreement,
Preferred Alternative and Conceptual Mitigation

Dear Mr. Patterson and Mr. White:

Ecology has reviewed Department of Transportation's (DOT's) request for concurrence to proceed with the Final EIS, and concurrence of the "modified C2" as the preferred alternative identified by DOT for the SR 509 Extension/South Access Road Corridor Project. We have also reviewed the *Conceptual Wetland Mitigation Plan (Plan)*, dated August 2002. We are very pleased that WSDOT has chosen to bridge significant wetland resources, thereby reducing wetland impacts to 0.3 acres.

In the attached form, we have stated our decision to be concurrence, and consider the *Plan* to be acceptable overall, although Ecology has a few comments mostly regarding the performance standards that we would like to have addressed. These comments are as follows:

1. The performance standard for vegetation coverage at the end of the proposed monitoring period includes planted and native colonizing plants that are, "covering 30 percent of more of this area." Does this performance standard measure canopy cover? Please note that 30 percent canopy cover for either a scrub-shrub or forested wetland is the minimum percent areal coverage to qualify as one of these communities (Cowardin et al., 1979). Ecology recommends that the performance standards relating to percent areal coverage of canopy should be revised to reach for a higher coverage of scrub-shrub and forested vegetation. This should assist with attaining wildlife management goals as well.
2. Since the goal of the mitigation is to restore forested and scrub-shrub wetlands, the maintenance and monitoring period should be at least 8 years. Your draft Phase 2 study entitled, "Establishing Appropriate Benchmarks for Site Development by Documenting Successional Characteristics", found that it takes approximately 8 years for native woody vegetation to reach 80% coverage. Although the *Plan* proposes a lower percent coverage for scrub-shrub and forested communities (as noted above), Ecology recommends that this performance standard be revised to include a higher coverage.



vegetation to reach 80% coverage. Although the *Plan* proposes a lower percent coverage for scrub-shrub and forested communities (as noted above), Ecology recommends that this performance standard be revised to include a higher coverage.

3. Ecology concurs with your 10% coverage limit for non-native invasive species at the mitigation site, but would ask that this performance standard be clarified so that this limit applies to each monitoring event, and to both the wetland and buffer areas.
4. The *Plan* does not include the hydrologic data for the mitigation site; however, Ecology would like to review this data. It should be included in the final mitigation plan.
5. During previous meetings for this project, there has been concern over the scope of an adaptive management plan. Ecology is pleased with the language in the *Plan* that states, "implementation of management activities not identified in the mitigation plan requires review and approval by regulatory agencies," which alleviates this concern.
6. The proposed upland seed mix contains all non-native vegetation. Is there an alternate seed mix which incorporates native species that could be utilized?

Thank you for the opportunity to comment on your *Plan*. If you have any questions please contact me at (360) 407-6912 or Ecology's Northwest Region wetland specialist who has provided review and the above comments on this project, Sarah Suggs at (425) 649-7124.

Sincerely,



Sandra L. Manning
Liaison Manager
Environmental Review and Assistance

cc: WDFW – Cynthia Pratt
 NMFS - David Hirsh
 USFWS - Nancy Brennan-Dubbs, Jennifer Quan
 EPA - Elaine Summers
 Corps - Gail Terzi, Jack Kennedy, Anne Robinson
 Ecology – Sarah Suggs, Ann Kenny, Sandra Lange, File

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NOV 1 2002

ENVIRONMENTAL

SAC Agreement Concurrence Form

Project Title:

SR 509: Corridor Completion/I-5/South Access Road

State Route #:

509

County:

King

Date Due:

28 Oct. 02

Concurrence Point # and Description☐#1a Project Purpose and Need
(non-concurrence limited to
transportation issues)☒

#3a Detailed Mitigation Plan

☐#1b Screening Criteria for
Selection of Alternatives☒#3b1 For COE, USFWS, EPA, and
NMFS: NEPA/SEPA Preferred
Alternative/Apparent Section 404 LEDPA☐#2 Project Alternatives to be
evaluated in the DEIS☒#3b2 For Ecology and WDFW:
NEPA/SEPA Preferred Alternative

WSDOT Project Contact Person:

David T. Williams

Phone:

206-440-4524

Fax:

206-440-4805

E-

Willidt@WSDOT.wa.gov

mail:**Address:**Washington State Department of Transportation
Northwest Region – Environmental Services
15700 Dayton Avenue North, NB82-138
PO Box 330310
Seattle, Washington 98133-9710

**Brief Description of Project Status and Issues Relevant to Concurrence Points Checked
Above:**

The SR 509 project will be submitting the Preliminary Final EIS for agency, partner and internal review the week of September 16th - 20th, 2002. With SAC concurrence on Point #3, the project office expects to issue the Final EIS with the preferred alternative C2 in November of 2002 and will work toward receiving a Record of Decision in Early March of 2003. The Conceptual Wetland Mitigation Plan has been completed and has been included in the Pre-Concurrence Packet for Merger Point #3. A Biological Assessment is being finalized and will be sent to the services for concurrence.

Agency Decision:

(see end of form for definitions)

☒ Concurrence

☐ Non-concurrence (provide reasons on next page)

☐ Waived

Summary of Reasons for Non-concurrence

Please include a detailed explanation of the reasons for non-concurrence. Also please identify the statutory or regulatory authority upon which this non-concurrence is based. (Attach detailed comments if needed)

Advisory Comments

Comments are advisory only, and will not trigger the issue resolution process. The project proponent will have 45 calendar days to respond to resource agency comments.

We may have additional advisory comments forthcoming. Our concerns center around the Des Moines Creek mitigation site. It is hoped that the mitigation will be done in advance of the proposed project. Our permit requires mitigation for any work that can't be conditioned for the protection of fish life in our permit. If for some reason the mitigation project is not completed early, we will need to be notified.

WDFW

Agency: _____
Cynthia R. Pratt

Signer's Name: _____

Signature: Cynthia R. Pratt
SEPA/NEPA Coordinator

Title: _____
10/29/02

Date: _____

Technical Point of Contact: Kurt Buchanan/Cynthia Pratt

Each agency submitting a concurrence response is also responsible for mailing a final signed hard-copy of the form to all SAC agency members (Corps, Ecology, EPA, FHWA, NMFS, USFWS, WDFW, WSDOT).

Concurrence is a written determination that

1. The information is adequate for this stage, and
2. The project may proceed to the next stage without modification, and
3. The agency's concurrence is consistent with its statutes and regulations (given available information).
4. And, if applicable, concerns were adequately addressed by the project proponent following a non-concurrence.

Non-concurrence is written determination that

1. The information is inadequate for this stage, or
2. The concurrence submittal is inconsistent with the agency's statutory or regulatory authority (cite regulation or statute).
3. The issue resolution process will commence and the project will not proceed to the next concurrence point until each issue is resolved.

Waiver

A waiver is written determination by an agency that it voluntarily gives up its opportunity to provide concurrence or non-concurrence. Agencies that decide to waive agree not to revisit that concurrence point. An agency may elect to waive its concurrence opportunity at the beginning of the SAC process for a project or at a specific concurrence point. At a concurrence point, an agency may waive the opportunity to concur or non-concur on the entire concurrence point or an individual element of that point (for instance 1a or 1b).

Advisory Comments

Advisory comments provided in addition to the agency's concurrence or non-concurrence are informational only. Concurrence with conditional comments is not permitted. Advisory comments provided with a concurrence will not trigger the issue resolution process, but the project proponent must respond to these comments in writing within 45 calendar days, or identify when the response to comments will be provided if it is not possible to respond within 45 days.

Revised September 12, 2002



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N • Olympia, WA 98501-1091 • (360) 902-2200, TDD (360) 902-2207
Main Office Location: Natural Resources Building • 1111 Washington Street SE • Olympia, WA

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NOV 6 1992

URBAN CORRIDOR

HABITAT PROGRAM
ENVIRONMENTAL SERVICES DIVISION

November 5, 2002

TO: David Williams, WSDOT, and SAC Members

FROM: Cynthia Pratt, SAC Representative

SUBJECT: SR 509 Corridor Completion/I-5/South Access Road, Concurrence Point 2
Preliminary Final EIS

I am sending out another letter. I was trying to do so many things when I returned, I "copied" when I should have "cut" on this letter. My apologies for the confusion! Anyway, I do want all of you to have the corrected version.

CP:cp

cc: Kurt Buchanan, Transportation Liaison



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N • Olympia, WA 98501-1091 • (360) 902-2200, TDD (360) 902-2207
Main Office Location: Natural Resources Building • 1111 Washington Street SE • Olympia, WA

November 5, 2002

Washington Department of Transportation
Northwest Region - Environmental Services
Attention: David Williams
PO Box 330310
Seattle, WA 98133-9710

Dear Mr. Williams:

RE: SR 509 Corridor Completion/ I-5/ South Access Road, Concurrence Point 2
Preliminary Final EIS

Enclosed are additional comments to be included with our signed SAC Agreement concurrence form for Concurrence Point 3. We concur, with the following comments:

- ▶ We agree with you, it appears that Alternative C2 leads to least impact to fish, wildlife, and wetlands resources compared to other built alternatives. Impacts, both during construction, and long-term will not be inconsequential, just less than the other choices.
- ▶ Conceptual Mitigation Plans - The mitigation proposed at this phase of the EIS process should be a "Detailed Mitigation Plan" (per Concurrence Point #3), rather than Conceptual. There should be a commitment to more specific project work, rather than stating willingness to participate in un-specified work consistent with a Basin Plan. Both Wetlands, and Vegetation-Wildlife-Fish mitigation should be more specific than they are. Since things are still at the conceptual stage, the following suggestions should be considered:
 - 1) Wetlands previously filled might be un-filled and rehabilitated. On the Golf Course, or adjacent to Wetlands B and F, there are likely formerly filled wetlands that serve no immediate development purpose and may be restored. There may also be sites south of S. 200th St., adjacent to the large Wetland A and the SR 509 or South Access Road R/W which could also be un-filled. There may be former wetlands at the Midway Sewer District Treatment Plant that could be rehabilitated, and potentially form an enhanced riparian corridor through the plant site.
 - 2) For stream channel habitat work, large trees are a benefit. The contract should be written so that all 18 inch and larger conifers cleared from the right-of way or staging

areas are the property of the DOT, not the contractor. Trees should be left either as full length, or 30 feet long as a minimum. Rootwads should remain attached. Trees saved should be transported to a secure stockpile location near Des Moines Creek.

3) Stream channel work is needed in many sections of Des Moines Creek. Concentrating work downstream of the existing old SR 509 right-of-way would provide improved habitat as far away from the airport wildlife exclusion zone as possible. Access is easy, either from paved footpath, or gravel roadway. The old fish passage structures at the sewer plant are not up to today's standards for fish passage, and should be replaced. The rocky channel section just downstream of the last concrete weir provides a significant barrier to chum migration, when those fish finally have access up this far. This channel section should be re-worked at the time the weirs are worked on. At this point, the public has little access to the gravel road between the sewer plant and Des Moines Way. Working on this section would not involve disruption to public use of the area. The area downstream of Des Moines Way is a public park which currently has spawning salmonids. It is largely devoid of in-stream habitat, and fish would immediately use it if it were available. If work was concentrated in this lowest section, the Des Moines Senior Center should be removed from the stream. The building was built over the stream, and the basement channel can no longer contain the stream during winter high flow. The stream, and fish wash out onto the surrounding grounds. The building-stream combination is novel, and provides shade, but is not fish habitat. 2) For stream channel habitat work, large trees are a benefit. The contract should be written so that all 18 inch and larger conifers cleared from the right-of way or staging areas are the property of the DOT, not the contractor. Trees should be left either as full length, or 30 feet long as a minimum. Rootwads should remain attached. Trees saved should be transported to a secure stockpile location near Des Moines Creek.

- ▶ It appears that there is likely to be greater wetland, stream, and runoff impacts due to the construction of the South Access Road, rather than from SR 509 itself. Des Moines Creek was once known as Bow Lake Creek, forming that eastern tributary as the outlet stream of Bow Lake. This stream no longer exists, being buried in pipes until it reappears in much degraded condition near the "Tyee Pond" site at the Golf Course. The South Access Road runs encroaches very close to this stream/wetland complex, crossing it four times, according to the EIS. Elevated temperatures are a serious problem in the stream. A major stream restoration project is planned for the Golf Course part of this stream. Heavy plantings of willow, red-ossier dogwood, and cottonwood poles arching over the new channel would provide rapid shading of the stream, and will minimize waterfowl and raptor access to the open water channel.
- ▶ A Hydraulic Project Approval (HPA) will be required by WDFW for elements of this project, including stream crossings, in-stream work, and work in wetlands adjacent to and tributary to the stream systems. We require consultation on the stormwater design unless there is an NPDES permit already in place, as the discharge of stormwater to streams and wetlands negatively impacts fish and wildlife. We applaud your attempts to infiltrate portions of the stormwater, and to allow rain to fall between lanes of the

elevated, separated roadway, rather than on a solid impervious embankment. We expect that the stormwater design utilizes the standards in the most current version of the DOT Runoff Manual, or the DOE Stormwater Management Manual for Western Washington, whichever provides the greatest protection to water quality.

- ▶ Fish Passage - RCW 77.55.060 provides legal requirements for owners of barriers to fish migration. The fish passage barrier at Des Moines Way (actually SR 506) referenced in the EIS as a fish mitigation project, is actually owned by DOT. As the owner of the barrier, DOT has been required, for years, to replace this aged box culvert. An HPA has been issued for its removal, and it was anticipated that the structure would have been replaced this past summer. It does not seem reasonable to claim as mitigation replacing this barrier culvert that was their previous legal obligation to replace.
- ▶ For replacements of passage barriers, WDFW requires that the design meets or exceeds the WDFW fish passage design criteria current at the time of the design. An MOA between our Departments requires that WDFW be given opportunity to review fish passage designs at an early date, certainly prior to going out for bid. While not actually stated in the PDEIS but as an associated project, improvements to (South 200th Street as an arterial connection to the South Access Road), the Des Moines Creek culvert will need replacing. There appears to be agreement between some parties that this culvert should remain as a barrier to prevent anadromous fish from continuing upstream into what is now Tyee Golf Course. The wildlife exclusion zone imposed by FAA overlaps the stream through the golf course, and there is a concern that salmon carcasses will attract bird scavengers which will endanger aircraft. WDFW SSHEAR staff, DOT project staff, and FAA should meet soon to discuss priorities and designs/cost for the S. 200th culvert work.

Thank you for considering our comments on your proposal. We appreciate your continued cooperation in our efforts to protect and manage the fish and wildlife resources of the state of Washington. If you have any questions, please contact me at (360) 902-2575, or Kurt Buchanan, the WDFW/DOT Liaison for this project, at (360) 466-4345 x 256.

Sincerely,



Cynthia R. Pratt
SAC Agreement Representative
SEPA/NEPA Coordinator
Habitat Program

cc: Sandra Manning, Ecology
Emily Teachout, USFWS
Jack Kennedy, USCOE
Dick Clark, EPA
Tom Connors EPA
Sharon Love, FHWA
Phil KauzLoric, WSDOT
Kurt Buchanan, WDFW

**Biological Assessment
Concurrence**

RECEIVED

DEC 13 2002

URBAN CORRIDORS OFFICE



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

December 6, 2002

Gary Davis
Northwest Region
Washington State Department of Transportation
15700 Dayton Avenue North
P.O. Box 330310
Seattle, Washington 98133-9710

Re: Endangered Species Act Section 7 Informal Consultation and Magnuson-Stevens Fishery
Conservation and Management Act Essential Fish Habitat Consultation for the SR509:
Corridor Completion/I-5/South Access Road (NOAA Fisheries No. 2002-01284)

Dear Mr. Davis:

This correspondence is in response to your request for consultation under the Endangered Species Act (ESA). Additionally, this letter serves to meet the requirements for consultation under the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

Endangered Species Act

The National Marine Fisheries Service (NOAA Fisheries) has reviewed the above referenced Biological Assessment (BA) dated October 2002. According to the BA, Washington State Department of Transportation (WSDOT) is proposing to improve approximately 9.9 miles of highway, including SR 509, I-5, and South Access Road. Construction activities include 204 acres of land clearing (this includes removal of existing structures to create right of way), the addition of 130 acres new impervious, 0.3 acre fill of wetland, 7.1 acres of wetland buffer impacts, five improved crossings over Des Moines Creek, and implementation of specific elements in the Des Moines Creek Basin Plan (DMCBP), as it relates to stormwater treatment. The corridor project area includes the Des Moines Creek, Mill Creek, and the Lower Green basins. Des Moines Creek and Mill Creek drain directly into the Puget Sound. The Lower Green (WRIA 9) also drains into the lower Puget Sound. The WSDOT concluded the project effect determination of "may affect, not likely to adversely affect" to Puget Sound (PS) chinook (*Oncorhynchus tshawytscha*), which is ESA listed as threatened. PS chinook inhabit the Green River and Puget Sound waters that Des Moines Creek is a tributary to.

During consultation, WSDOT identified the following measures that will be taken to avoid and minimize the potential effects of the project:



- 1) WSDOT will implement specific water quality and quantity treatment to be consistent with the DMCBP which has identified a combination of watershed improvements in the Des Moines Creek basin. Water quantity and quality treatment at high levels will make progress toward attainment of properly functioning habitat conditions in the action area.
- 2) WSDOT will span all five crossing of Des Moines Creek (and Class 1 and 2 wetlands) with bridges. All work within the Ordinary High Water Mark will be conducted within the work window specified in the Washington State Department of Wildlife (WDFW) Hydraulic Permit Approval (HPA). The proposed projects will be constructed during the dry season when delivery of disturbed soils from wet weather will be minimized. In addition, WSDOT contributed \$1.8 million toward construction of a replacement bridge across Marine View Drive that was constructed by the City of Des Moines (NOAA No. WSB 01-319).
- 3) WSDOT will offset for the 0.3 acre wetland fill with 0.8 acre wetland restoration.
- 4) A Temporary Erosion and Sedimentation Control (TESC) plan is proposed and includes Best Management Practices (BMPs). These measures will include minimizing soil disturbance, and all disturbed areas will be mulched and re-seeded with native grasses/shrubs/trees immediately after construction.
- 5) A Spill Prevention Control and Countermeasures (SPCC) plan will be used to avoid the delivery of chemical contaminants from equipment to surface water bodies.

Since the proposed action incorporates avoidance and minimization measures into this project (# 1 through # 5 listed directly above), NOAA Fisheries can expect the potential effects of the action to be discountable or insignificant. Therefore, NOAA Fisheries concurs with your effect determination of "may affect, but not likely to adversely affect" for PS chinook salmon.

The regulations (50 C.F.R. 402.08) implementing Section 7 of the Endangered Species Act of 1973, as amended (ESA), allow a Federal Agency to designate a non-federal representative to conduct informal consultations or prepare biological assessments by giving written notice to the Director of such designation. The Service has received the letter written May 10, 1999 from Federal Highways Administration, Gene Fong, Division Administrator, so designating Washington State Department of Transportation as their non-federal representative. The ultimate responsibility for compliance with Section 7 remains with the Federal agency.

This concludes informal consultation on these actions in accordance with 50 C.F.R. 402.14(b)(1). The Federal Highway Administration must re-analyze this ESA consultation: (1) if new information reveals effects of the action that may affect listed species in a way not previously considered;

(2) if the action is modified in a manner that causes an effect to the listed species that was not previously considered; or (3) if a new species is listed or critical habitat designated that may be affected by the identified actions.

Magnuson-Stevens Fishery Conservation and Management Act

Federal agencies are required, under §305(b)(2) of the MSA and its implementing regulations (50 C.F.R. 600 Subpart K), to consult with NOAA Fisheries regarding actions that are authorized, funded, or undertaken by that agency that may adversely affect Essential Fish Habitat (EFH). The MSA (§3) defines EFH as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." If an action would adversely affect EFH, NOAA Fisheries is required to provide the Federal action agency with EFH conservation recommendations (MSA §305(b)(4)(A)). This consultation is based, in part, on information provided by the Federal action agency and descriptions of EFH for Pacific salmon contained in Appendix A to Amendment 14 to the Pacific Coast Salmon Plan (August 1999) developed by the Pacific Fishery Management Council and approved by the Secretary of Commerce (September 27, 2000).

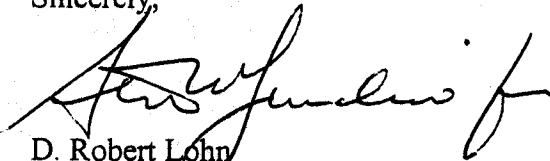
The proposed action and action area are described in the BA submitted by WSDOT. The project area includes habitat which has been designated as EFH for various life stages of: chinook and coho (*O. kisutch*).

Because the habitat requirements (*i.e.*, EFH) for the MSA-managed species in the project area are similar to that of the ESA-listed species, and because the conservation measures that the FHWA/WSDOT included as part of the proposed action to address ESA concerns are also adequate to avoid, minimize, or otherwise offset potential adverse effects to designated EFH, conservation recommendations pursuant to MSA (§305(b)(4)(A)) are not necessary. Since NOAA Fisheries is not providing conservation recommendations at this time, no 30-day response from the FHWA/WSDOT is required (MSA §305(b)(4)(B)).

This concludes consultation under the MSA. If the proposed action is modified in a manner that may adversely affect EFH, or if new information becomes available that affects the basis for NOAA Fisheries' EFH conservation recommendations, the FHWA/WSDOT will need to reinitiate EFH consultation with NOAA Fisheries in accordance with NOAA Fisheries implementing regulations for EFH at 50 C.F.R. 600.920(k).

Thank you for your efforts to protect threatened chinook salmon. If you have any questions, please contact Barbara Wood of the Washington Habitat Branch Office at (360) 534-9307.

Sincerely,



D. Robert Lohn
Regional Administrator

cc: Paul Wagner, WSDOT



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Western Washington Fish and Wildlife Office

510 Desmond Drive SE, Suite 102

Lacey, Washington 98503

Phone: (360) 753-9440 Fax: (360) 753-9008

In Reply Refer To:

1-3-03-I-0232

DEC 31 2002

Gary Davis
Washington State Department of Transportation
Northwest Region
Environmental Services
P.O. Box 330310 MS 138
Seattle, Washington 98133-9710

Dear Mr. Davis:

This is in response to your letter dated October 30, 2002, and enclosed Biological Assessment (BA). The letter and BA for the SR 509 Corridor Completion I-5 South Access Road project were received in our office on October 31, 2002. Your letter requests our concurrence with your finding that the project may affect, but is not likely to adversely affect, the bald eagle (*Haliaeetus leucocephalus*), or the bull trout (*Salvelinus confluentus*). This request is being submitted in accordance with section 7 of the Endangered Species Act of 1973, as amended.

Our concurrence would be based on information in the BA and implementation of the conservation measures described in the BA. The U.S. Fish and Wildlife Service believes that sufficient information on effects of project activities has been provided for the lead federal agency to conclude a determination of effect for listed species.

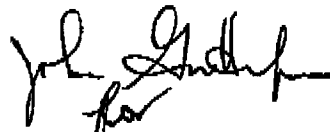
In order to expedite the environmental review process, if the Federal Highway Administration concurs with the effect determinations for listed species, then you may consider this action to be in compliance with requirements of 50 CFR 402.13, thereby concluding the consultation process. The project should be reanalyzed if new information reveals effects of the action that may affect listed species or critical habitat in a manner, or to an extent, not considered in this consultation. The project should also be reanalyzed if the action is subsequently modified in a manner that causes an effect to a listed species or critical habitat that was not considered in this consultation, and/or a new species is listed or critical habitat is designated that may be affected by this project.

Gary Davis

2

If you have any questions, please contact Emily Teachout at (360) 753-9583.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken S. Berg".

Ken S. Berg, Manager
Western Washington Fish and Wildlife Office

FHWA (J. Leonard)
WDFW Region 4

1995 DEIS Comments and Responses

Comments on the December 1995 Corridor-Level DEIS

Comments on the December 1995 DEIS were received from 60 agencies and individuals. These comments are summarized below.

Level of Detail

Several commenters requested a greater level of detail in the evaluation of environmental impacts.

Response—A tiered environmental documentation process was used for the SR 509/South Access Road project. According to FHWA regulations, a Tier I EIS is intended to focus on broad issues such as general location, mode choice, and areawide air quality and land use implications of major alternatives. A Tier II EIS addresses site-specific details on project impacts, costs, and mitigation measures.

The 1995 DEIS was a Tier I corridor-level EIS, which evaluated potential locations for the SR 509 corridor based upon all of the factors normally evaluated during the NEPA process, but at a lower level of detail. The Tier I EIS was used to identify corridor alternatives to be further evaluated in the Tier II project-level EIS.

The January 2002 RDEIS is a Tier II EIS. More detailed analysis was conducted for each element of the environment in accordance with the WSDOT *Environmental Procedures Manual* and FHWA guidelines.

Project Purpose and Need

The USACOE commented that the 1995 DEIS lacked adequate discussion of the ability of each alternative to carry out the project purpose.

Response—Discussion of the project purpose and need was updated in Chapter 1 of the RDEIS. Additionally, formal concurrence on the project purpose and need and alternatives to be evaluated was obtained from the Signatory Agency Committee, which includes the USACOE. Resource agency coordination and concurrence are described in this appendix and in Chapter 2 of this FEIS.

Independent Utility

Some comments pertained to the relationship between the Sea-Tac Airport Master Plan improvements and the SR 509 project, and whether or not the projects were independent.

Response—NEPA requires that to be considered separate actions, each action should have “independent utility.” This means each action should be usable and a reasonable expenditure even if no additional transportation improvements in the area are made. The SR 509/South Access Road project would be usable and a reasonable expenditure, whether or not the airport master plan improvements occur. Please refer to Chapter 1 of this FEIS for a discussion of current and projected airport-generated and nonairport-generated traffic demand.

Project Cost and Agency Contribution

Some commenters wanted to know the cost of the proposed alternatives and the funding sources.

Response—The cost of the proposed alternatives is provided in the Summary and Chapter 2 of this FEIS. Design of the SR 509 freeway extension and I-5 improvements would be funded by WSDOT and FHWA. Design and construction of the South Access Road would be funded by the Port of Seattle.

Development and Selection of Alternatives

Numerous comments pertained to the support, lack of support, or suggested modifications for alternatives evaluated in the 1995 DEIS.

Response—Development and selection of the proposed alternatives, including selection of the Preferred Alternative, is provided in Chapter 2 of this FEIS.

Transit-Only Alternatives

Some comments requested rail or other mass transit be provided to relieve congestion rather than construction of the SR 509/South Access Road project.

Response—Transit-only alternatives, including a bus transit alternative, an expanded bus transit alternative, and an expanded rail and bus transit alternative, were evaluated in the May 1995 Major Investment Study conducted for the project. Based on this analysis, these alternatives were rejected for further evaluation in the EIS because they would not meet the project purpose and need.

Stream and Wetland Avoidance and Mitigation

Several comments noted the need to avoid and minimize impacts on streams and wetlands, integrate measures identified in the Des Moines Creek Basin Plan into the project, and provide more specific stream and wetland mitigation information.

Response—Since publication of the 1995 DEIS, design of the project alternatives has been refined to avoid Class 1 wetlands, bridge Class 2 wetlands, and reduce the number of stream crossings. WSDOT has become a member of the Des Moines Creek Basin Committee and has committed to fund a portion of the Capital Improvement Projects identified in the basin plan, if the SR 509 project is approved and funded for construction. A Conceptual Wetland Mitigation Plan was prepared for the project in August 2002. This information is described in more detail in Sections 3.5, 3.6, and 3.7 of this FEIS.

Detailed Traffic Analysis

Many comments pertained to a need for more detailed traffic information and analysis.

Response—A *Transportation Discipline Report* for the project was completed in January 2002 in accordance with FHWA and WSDOT guidelines. The traffic analysis is summarized in Chapter 2 of this FEIS.

Potential Impacts on I-5

Some comments expressed concern that congestion on I-5 would increase as a result of the SR 509 freeway extension.

Response—Since publication of the 1995 DEIS, the project has been expanded to include improvements along I-5, such as collector/distributor lanes and auxiliary lanes, to accommodate traffic to and from the SR 509 freeway extension. An *Access Point Decision Report* for the project was completed in August 2002, which describes in detail the effect of the proposed project on I-5 traffic operations from SR 18 in Federal Way to I-405 in Tukwila. This report, which was prepared for FHWA by WSDOT, must be approved by FHWA before construction of the new SR 509/I-5 interchange system can begin. The report indicates that the preferred alternative (Alternative C2) would relieve congestion and improve traffic safety along I-5.

High-Occupancy Vehicle (HOV) Lanes

Several comments requested evaluation and inclusion of HOV lanes in the proposed project.

Response—HOV lanes along the SR 509 freeway extension and connections to the I-5 HOV lanes have been included in the proposed project.

List of Commenters

Federal Agencies

U.S. Department of the Army, Corps of Engineers
U.S. Department of the Interior
U.S. Environmental Protection Agency

State Agencies

Department of Ecology

Regional Agencies

Puget Sound Regional Council
Metro
Port of Tacoma

Local Agencies

City of Burien
City of Federal Way

Schools

Federal Way Public Schools
Highline School District 401

Utilities

Midway Sewer District

Organizations

King County Labor Council
Southwest King County Chamber of Commerce
SeaTac Economic Partnership

Businesses

Greenbrier Logistics
Alaska Airlines

Individuals (letters and comment forms)

David & Helen Clayton
Heather Clayton & Natalie

Darlene & Russ Curley
Debi DesMarais
Peter Fleury
Madge Hanson
Karen Hendrickson
Jessie Knopp
Steve Lardy
Marian Mackenzie
Donna Metz
Donald Riecks
Stan Scarvie
Schreibe/Matta Household
Bob & Ruth Sisley
Henry Towne
Julia Vincent
Bill & Norma Wattum
James & Betty Weir
Daniel Wend

Public Hearing Testimony

Pat Aschcraft
Pete Babington
Kenneth Carlton
Rose Clark
Chris Clifford
Tom Dantzler
Clark Dodge
Claire Drosdick
Ken Durkee
Neeley Durkee
Al Furney
Elbert Hill
Richard Jordan
Steve Lardy
Bruce McMichael
Matt Pina
Warren Pugh
Donald Riecks
Jerry Rippy
Becky Stanley
Cathea Stanley
Don Wasson
David Zehnder